

FILED

UNITED STATES COURT OF APPEALS

MAY 25 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NARUTO, a Crested Macaque, by and  
through his Next Friends, People for the  
Ethical Treatment of Animals, Inc.,

Plaintiff-Appellant,

v.

DAVID JOHN SLATER; et al.,

Defendants-Appellees.

No. 16-15469

D.C. No. 3:15-cv-04324-WHO  
Northern District of California,  
San Francisco

ORDER

Before: BEA and N.R. SMITH, Circuit Judges, and ROBRENO,\* District Judge.

A judge has made a *sua sponte* request for a vote on whether to rehear *en banc* the published opinion dated April 23, 2018. Therefore, pursuant to General Order 5.4(c)(3), the parties are requested to file simultaneous briefs setting forth their respective positions on whether the case should be reheard *en banc*. The briefs are not to exceed 7,000 words and shall be filed within 21 days of the date of this order. Parties registered for appellate electronic case filing must file electronically without submission of paper copies. Parties who are not registered for appellate electronic case filing must file 50 paper copies.

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\* The Honorable Eduardo C. Robreno, United States District Judge for the Eastern District of Pennsylvania, sitting by designation.