

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 31 2018

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

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

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 of the court sua sponte requested a vote on whether to rehear this case en banc. A vote was taken, and the matter failed to receive a majority of the votes of the non-recused active judges in favor of en banc consideration. *See* Fed. R. App. P. 35(f). Rehearing en banc is DENIED.

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