

UNITED STATES COURT OF APPEALS

SEP 28 2010

FOR THE NINTH CIRCUIT

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

MICHAEL ANGELO MORALES,

Plaintiff,

and

ALBERT GREENWOOD BROWN,

Plaintiff - Appellant,

v.

MATTHEW CATE,

Defendant - Appellee.

No. 10-99019

D.C. No. 5:06-cv-00219-JF
Northern District of California,
San Jose

ORDER

Before: THOMAS, Circuit Judge and Capital Case Coordinator

Pursuant to the rules applicable to capital cases in which an execution date has been scheduled, a deadline was established by which any judge could request a vote on whether the panel's September 27, 2010 order, as amended today, should be reheard en banc. No judge has requested a vote within the time period.

Therefore, the panel's order, as amended today, is a final order of this Court. No further petitions for rehearing or rehearing en banc will be entertained as to the amended order.