

UNITED STATES COURT OF APPEALS

NOV 17 2011

FOR THE NINTH CIRCUIT

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

PAUL EZRA RHOADES,

Petitioner - Appellant,

v.

BRENT REINKE, in his official capacity as Director, Idaho Department of Corrections; RANDY BLADES, in his official capacity as Warden, Idaho Maximum Security Institution; DOES 1-50, Unknown Executioners, in their official Capacities as Employees and/or Agents of Idaho Department of Correction,

Respondents - Appellees.

No. 11-35940

D.C. No. 1:11-cv-00445-REB
District of Idaho,
Boise

ORDER

Before: THOMAS, Circuit Judge and Capital Case Coordinator

On November 16, the three judge panel issued its opinion affirming the district court's order denying Petitioner's alternative motion for injunction or a stay of execution. The Petitioner filed a petition for rehearing en banc.

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 opinion should be reheard en banc, either sua sponte or

in response to the petition for rehearing en banc. The time has expired, and no judge has requested a vote.

Therefore, the petition for hearing en banc is DENIED. No further petitions for rehearing or rehearing en banc will be entertained as to the panel opinion in this captioned appeal.