

FILED

UNITED STATES COURT OF APPEALS

MAY 15 2012

FOR THE NINTH CIRCUIT

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

SAMUEL VILLEGAS LOPEZ,

Petitioner - Appellant,

v.

CHARLES L. RYAN; GEORGE
HERMAN, Warden, Arizona State Prison -
Eyman Complex,

Respondents - Appellees.

No. 12-99001

D.C. No. 2:98-cv-00072-SMM
District of Arizona,
Phoenix

ORDER

Before: THOMAS, Circuit Judge and Capital Case Coordinator

A panel of this Court issued an opinion affirming the district court's denial of petitioner's 60(b) motion and denying his motion for a stay of execution.

Petitioner filed a petition for rehearing and rehearing en banc.

Pursuant to the rules applicable to capital cases when 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. No judge requested a vote on whether to rehear the opinion en banc within the established time period. Therefore, the Petition for Rehearing En Banc is DENIED. En banc proceedings with respect to the panel opinion are concluded. The panel will issue a separate order as to the petition for panel rehearing.