

UNITED STATES COURT OF APPEALS

AUG 02 2012

FOR THE NINTH CIRCUIT

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

DANIEL WAYNE COOK,

Petitioner - Appellant,

v.

CHARLES L. RYAN,

Respondent - Appellee

No. 12-16562

D.C. No. 2:97-cv-00146-RCB
District of Arizona,
Phoenix

ORDER

Before: THOMAS, Circuit Judge and Capital Case Coordinator

The full court has been advised of the petition for rehearing en banc. No petition for panel rehearing was filed. 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 order should be reheard en banc. A judge requested a vote on whether to rehear the panel's decision en banc. A majority of the non-recused active judges did not vote in favor of rehearing en banc. The petition for rehearing en banc is denied.