

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NOV 21 2012

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

RICHARD DALE STOKLEY,

Petitioner - Appellant,

v.

CHARLES L. RYAN,

Respondent - Appellee.

No. 09-99004

D.C. No. 4:98-CV-00332-FRZ  
District of Arizona,  
Tucson

ORDER

Before: THOMAS, Circuit Judge and Capital Case and En Banc Coordinator

The full court has been advised of the petition for rehearing en banc.

Pursuant to the rules applicable to capital cases in which an execution date has been scheduled, a deadline was set by which any judge could request a vote on whether the panel's November 15, 2012 order should be reheard en banc. A judge requested a vote on whether to hear the panel's order en banc. A majority of the active, non-recused judges eligible to vote on the en banc call did not vote to rehear the panel order en banc. Therefore, the petition for rehearing en banc is DENIED. No further petitions for panel rehearing or rehearing en banc will be entertained. En banc proceedings with respect to the order are concluded.

The panel has elected to amend its original order and will issue a separate order as to the petition for panel rehearing.