

UNITED STATES COURT OF APPEALS

OCT 07 2013

FOR THE NINTH CIRCUIT

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

EDWARD HAROLD SCHAD,

Petitioner - Appellant,

v.

CHARLES L. RYAN, Director, Arizona
Department of Corrections,

Respondent - Appellee.

No. 13-16895

D.C. No. 2:97-cv-02577-ROS
District of Arizona,
Phoenix

ORDER

Before: THOMAS, Circuit Judge and Capital Case Coordinator

The full court has been advised of the petition for rehearing and suggestion 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 decision should be reheard en banc. A judge requested a vote on whether to rehear the panel's decision en banc. A majority of active judges did not vote in favor of rehearing en banc. Accordingly, the petition for rehearing en banc is denied, and en banc proceedings are concluded. The panel will issue a separate order on the petition for rehearing.