

OCT 08 2013

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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

EDWARD HAROLD SCHAD,

Plaintiff - Appellant,

And

ROBERT GLEN JONES, Jr.,

Intervenor-Plaintiff,

v.

JANICE K. BREWER, Governor of the State of Arizona, in her official capacity; SCOTT SMITH, Chief of Staff to Governor Brewer, in his official capacity; BRIAN LIVINGSTON, Chairman and Executive Director, Arizona Board of Executive Clemency; JACK LASOTA, Member, Arizona Board of Executive Clemency, in his official capacity, AKA John Jack Lasota; ELLEN KIRSCHBAUM, Member, Arizona Board of Executive Clemency, in her official capacity; DONNA HARRIS, Member, Arizona Board of Executive Clemency, in her official capacity,

Defendants - Appellees.

No. 13-16978

D.C. No. 2:13-cv-01962-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 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. No judge requested a vote on whether to rehear the panel's decision en banc. Accordingly, the petition for rehearing en banc is denied.

The Court's October 7, 2013 decision affirming the district court's denial of a motion for a preliminary injunction and denying a stay of execution pending a new clemency hearing is the final decision of this Court.