FILED

AUG 11 2020

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEZMOND C. MITCHELL, AKA Lezmond Charles Mitchell, Petitioner-Appellant, v. UNITED STATES OF AMERICA, Respondent-Appellee.	No. 18-17031 D.C. Nos. 3:09-cv-08089-DGC 3:01-cr-01062-DGC-1 District of Arizona, Prescott ORDER

Before: IKUTA, CHRISTEN, and HURWITZ, Circuit Judges.

Judges Ikuta and Christen voted to deny the Petitioner-Appellant's Petition for Rehearing/Rehearing En Banc (ECF No. 46), and Judge Hurwitz voted to grant the Petition for Rehearing/Rehearing En Banc. The full court has been advised of the Petition for Rehearing/Rehearing En Banc, and no Judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The Petition for Rehearing/Rehearing En Banc is therefore **DENIED**.

The government's Unopposed Motion for Leave to File Sur-Reply (ECF No. 51) is **GRANTED**. The government's Sur-Reply re Motion to Enforce Stay of Execution and to Strike the August 26, 2020 Execution Date is deemed filed as of the date of this order.

The Appellant's Motion to Enforce Stay of Execution Date and to Strike the August 26, 2020 Execution Date (ECF No. 48) is **DENIED**.