

MAY 13 2010

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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

TONY PEROULIS,

Plaintiff - Appellee,

v.

PAUL KOZAK, AKA Zachary Apollo
Kriston, AKA Zachary King,

Defendant - Appellant,

and

KINGS COUNTY COMMAND
CORPORATION; et al.,

Defendants,

DIANA FESKO,

Real-party-in-interest.

No. 08-16615

D.C. No. 2:07-cv-00284-JCM-
GWF
District of Nevada,
Las Vegas

ORDER

Before: BEEZER, TROTT and BYBEE, Circuit Judges.

The panel has voted to grant Appellant Paul Kozak, aka Zachary Apollo Kriston's petition for panel rehearing. The Memorandum filed January 19, 2010, is withdrawn.

Upon review of the record and the briefing in this appeal, this court has determined that the appointment of pro bono counsel would benefit this court's

review. This court by this order expresses no opinion as to the merits of this appeal. The clerk shall enter an order appointing pro bono counsel to represent Appellant Kriston for purposes of this appeal only and establishing a supplemental briefing schedule. The appeal is stayed pending further order of this court.

If Appellant Kriston objects to the court's appointment of counsel in this appeal, he shall file a written objection within 14 days from the date of entry of this order.