

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 02 2011

ANTHONY DEWAYNE HAMMONDS,

Petitioner - Appellant,

v.

CHARLES M. HARRISON, Warden,

Respondent - Appellee.

No. 09-55124

D.C. No. 5:05-cv-00379-ODW-OP
Central District of California

ORDER

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

Before: SCHROEDER and GOULD, Circuit Judges, and NAVARRO, District Judge.*

The memorandum disposition in the above-captioned matter filed on October 12, 2011 is amended as follows:

At page 4, change <In light of the evidence presented at trial that Hammonds knew about the methamphetamine lab and continued to visit, if not live with, his son at the property, the state appellate court concluded that Hammonds's counsel made a reasonable tactical decision not to interview the witnesses because certain testimony was immaterial, and the admission of the remaining testimony would not have resulted in a different outcome.> to <In light of the evidence presented at trial

* The Honorable Gloria M. Navarro, District Judge for the District of Nevada, sitting by designation.

that Hammonds knew about the methamphetamine lab and continued to visit, if not live with, his son at the property, the state appellate court concluded that Hammonds's counsel could have made a reasonable tactical decision not to interview the witnesses because certain testimony was immaterial, and concluded that there was no prejudice because the state appellate court "[could not] find there is a reasonable probability, sufficient to undermine confidence in the outcome . . . that defendant would have obtained a more favorable trial result had counsel interviewed and called the witnesses identified in defendant's new trial motions.">

The panel has voted to deny the petition for panel rehearing. The petition for panel rehearing is DENIED.

No future petitions for rehearing or rehearing en banc will be entertained.

IT IS SO ORDERED.