

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUN 04 2013

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

SALVADOR M. RENTERIA,

Petitioner - Appellant,

v.

DERRAL G. ADAMS, Warden,

Respondent - Appellee.

No. 11-15367

D.C. No. 3:08-cv-05325-CRB  
Northern District of California,  
San Francisco

ORDER

Before: GOODWIN, O'SCANNLAIN, and N.R. SMITH, Circuit Judges.

The memorandum disposition filed April 18, 2013, is amended as follows:

As a substitute to the text at Page 3, Lines 5-12, starting with <Clearly established federal law> and ending <first degree murder charge. *See id.* at 246-47>, please insert the following:

<The state court determined under *Price v. Georgia*, 398 U.S. 323, 331 (1970), that Petitioner failed to show that the trial court was “swayed by the array of charges and tempted to reach a compromise verdict.” It attributed this, in part, to the fact that “a seasoned trial judge” rather than a jury had been the finder of fact. This conclusion was neither contrary to, nor an unreasonable application of, federal law as determined by the Supreme Court. *See* 28 U.S.C. § 2254(d).>

With this amendment, the panel has voted unanimously to deny the petition for panel rehearing. Judges O'Scannlain and N.R. Smith have voted to deny the petition for rehearing en banc, and Judge Goodwin so recommends.

The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing and the petition for rehearing en banc are DENIED.

No further petitions for rehearing or rehearing en banc may be filed in response to the amended disposition.