

MAY 05 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANNY LEE JONES,

Petitioner - Appellant,

v.

CHARLES L. RYAN,

Respondent - Appellee.

No. 07-99000

D.C. No. CV-01-00384-SRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Argued and Submitted August 13, 2013
San Francisco, California

Before: REINHARDT, HAWKINS, and THOMAS, Circuit Judges.

We remand to the district court to consider, under *Martinez v. Ryan*, 132 S. Ct. 1309 (2012) and *Dickens v. Ryan*, 740 F.3d 1302 (9th Cir. 2014) (en banc), Jones's argument that his ineffective assistance of counsel claims are unexhausted,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

and therefore procedurally defaulted, and that deficient performance by his counsel during his post-conviction relief case in state court excuses the default.

We express no opinion on any other issue raised on appeal. Those issues are preserved for later consideration by the Court, if necessary.

REMANDED.