

JAN 13 2015

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JESSE HARROD,

Petitioner - Appellant,

v.

A. K. SCRIBNER, Warden,

Respondent - Appellee.

No. 08-56203

D.C. No. 2:03-cv-06598-CJC-PJW
Central District of California,
Los Angeles

ORDER

Before: THOMAS, Chief Judge, and PREGERSON and CALLAHAN, Circuit Judges.

The memorandum disposition filed on August 24, 2010 is withdrawn. The petition for rehearing and rehearing en banc is DENIED as moot.

In light of the newly uncovered transcript of the June 30, 2000 voir dire proceedings, as well as this Court's opinion in *Jamerson v. Runnels*, 713 F.3d 1218 (9th Cir. 2013), this case is REMANDED to the district court for further proceedings on Mr. Harrod's *Batson* claim.

Judge Callahan would not remand this matter to the district court because she finds that Harrod's claim is exhausted and unavailing under the AEDPA doubly deferential standard of review.