

FILED

JAN 27 2017

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TERRY DARRYL KITCHEN, Jr.,

Petitioner,

v.

MARION SPEARMAN,

Respondent.

No. 14-70299

ORDER*

Appeal from the United States District Court
for the Eastern District of California

Argued and Submitted December 12, 2014
Resubmitted January 27, 2017
San Francisco, California

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

The Application for Leave to File Second or Successive Petition, filed with
this court on February 3, 2014, is GRANTED.

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.