

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CHARLES FRANKLIN MURDOCH, Jr.,
Petitioner-Appellant,

v.

ROY CASTRO, Warden; BILL
LOCKYER, Attorney General,
Attorney General of the State of
California,
Respondents-Appellees.

No. 05-55665

D.C. No.
CV-99-06900-
RSWL
ORDER

Filed October 9, 2008

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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