

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

GENE R. McLEOD, <i>Plaintiff-Appellant,</i> v. MICHAEL J. ASTRUE, Commissioner of Social Security Administration, <i>Defendant-Appellee.</i>
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No. 09-35190  
D.C. No.  
9:07-CV-52-JCL  
ORDER

Filed February 8, 2011

Before: Andrew J. Kleinfeld, A. Wallace Tashima, and  
Richard C. Tallman, Circuit Judges.

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**ORDER**

The last sentence of the order filed February 4, 2011 stating “No petitions for rehearing or petitions for rehearing en banc will be entertained, and the mandate shall issue in due course” is withdrawn so that the court can consider Appellee’s petition for panel rehearing.

Appellee’s petition for panel rehearing is deemed to be appropriately filed.