FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GEORGE SOULIOTES,
    Petitioner-Appellant,

v.

MIKE EVANS, Warden; ANTHONY
HEDGPETH, Warden,
    Respondents-Appellees.

No. 08-15943

D.C. No.
1:06-cv-00667-
OWW-WMW

ORDER

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Argued and Submitted
February 12, 2010—San Francisco, California

Filed August 17, 2011

Before: M. Margaret McKeown and Marsha S. Berzon,*
Circuit Judges, and Thomas S. Zilly,**
Senior District Judge.

COUNSEL

Randall S. Luskey, Orrick, Herrington & Sutcliffe LLP, San Francisco, California, for the petitioner-appellant.

Kathleen A. McKenna, Deputy Attorney General, Office of the Attorney General of California, Fresno, California, for the respondents-appellees.

Sheryl Gordon McCloud, Law Offices of Sheryl Gordon McCloud, Seattle, Washington; Bob Barr, Atlanta, Georgia; Matthew D. Brown, Cooley Godward Kronish LLP, San Francisco, California, for the amici.

ORDER

In light of the intervening en banc decision in *Lee v. Lampert*, No. 09-35276, 2011 WL 3275947 (9th Cir. Aug. 2, 2011) (en banc), we vacate our opinion in *Souliotes v. Evans*, 622 F.3d 1173 (9th Cir. 2010), reverse the district court's dismissal of Souliotes's habeas petition as untimely, and remand for proceedings consistent with *Lee*.

We also vacate our order of limited remand issued on May 25, 2011, with the understanding that the district court will conduct whatever proceedings are necessary, in an expedited manner, to determine whether any of Souliotes's habeas claims may be addressed on the merits.

REVERSED and REMANDED.