

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

SHIRLEY REE SMITH,  
*Petitioner-Appellant,*  
v.  
JAVIER CAVAZOS,\* Acting Warden,  
*Respondent-Appellee.*

No. 04-55831  
D.C. No.  
CV-01-04484-ABC  
Central District of  
California,  
Los Angeles  
**ORDER**

On Remand From The United States Supreme Court

Filed February 3, 2012

Before: Harry Pregerson and William C. Canby, Jr., Circuit  
Judges, and Edward C. Reed, Jr.,\*\* Senior District Judge.

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**ORDER**

In accordance with the opinion and judgment of the Supreme Court of the United States in *Cavazos v. Smith*, 132 S.Ct. 2 (2011), *pet. for rehearing denied*, 2012 WL 33757 (U.S. Jan. 9, 2012), the judgment of the district court denying Smith's petition for a writ of habeas corpus is

**AFFIRMED.**

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\*Javier Cavazos is substituted as respondent pursuant to Fed. R. App. P. 43(c)(2).

\*\*The Honorable Edward C. Reed, Jr., Senior District Judge for the U.S. District Court for Nevada, sitting by designation.