

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CONSTANTINO CARRERA, <i>Petitioner-Appellant,</i> v. ROBERT L. AYERS Jr., Warden of the California State Prison at San Quentin, <i>Respondent-Appellee.</i>

No. 08-99007
D.C. No.
1:90-CV-00478-
AWI
ORDER

Filed April 12, 2012

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.