

**FOR PUBLICATION**

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

ROGER MARK SCOTT,  
*Petitioner-Appellant,*

v.

CHARLES L. RYAN,  
*Respondent-Appellee.*

No. 11-99002

D.C. No.  
2:97-cv-01554-PGR  
District of Arizona,  
Phoenix

ORDER

Filed January 23, 2013

Before: Alex Kozinski, Chief Judge, Jerome Farris,  
and Carlos T. Bea, Circuit Judges.

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**ORDER**

Our opinion, filed on August 1, 2012, is amended as follows: Footnote 1, at Slip Op. Page 8536, Lines 25–26, replace <The State’s motion to strike Scott’s motion for a remand is denied as moot.> with <Scott’s motion to strike the State’s response on this point is denied.>

Appellant’s petition for panel rehearing and petition for rehearing en banc are denied. Fed. R. App. P. 35, 40. No future petitions for rehearing or petitions for rehearing en banc will be entertained.