

FOR PUBLICATION

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

MILO MCCORMICK STANLEY,
Petitioner-Appellant,

v.

CHARLES L. RYAN,
Respondent-Appellee.

No. 11-99014

D.C. No.
2:98-cv-00430-
GMS

ORDER

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Argued and Submitted
March 19, 2013—San Francisco, California

Filed May 28, 2013

Before: Johnnie B. Rawlinson, Carlos T. Bea,
and Sandra S. Ikuta, Circuit Judges.

COUNSEL

Paula K. Harms, Assistant Federal Public Defender, Phoenix,
Arizona, for Petitioner-Appellant.

Julie A. Done, Assistant Attorney General, Capital Litigation
Section, Phoenix, Arizona, for Respondent-Appellee.

ORDER

Petitioner Milo McCormick Stanley (Stanley) appealed the district court's vacatur of an evidentiary hearing ordered by this court and denial of his petition for a writ of habeas corpus. On May 10, 2013, Stanley's counsel informed this court that Stanley passed away in prison. Due to Stanley's death, we dismiss his appeal and "remand this case to the district court for dismissal of the petition for a writ of habeas corpus as moot and for further proceedings as may be required, including the vacatur of any prior orders." *Farmer v. McDaniel*, 692 F.3d 1052 (9th Cir. 2012) (citation omitted).

DISMISSED AND REMANDED.