

FOR PUBLICATION

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

HECTOR JUAN AYALA,
Petitioner-Appellant,

v.

ROBERT K. WONG, Warden,
Respondent-Appellee.

No. 09-99005

D.C. No.
3:01-CV-01322-IEG-PLC

ORDER

Filed September 13, 2013

Before: Stephen Reinhardt, Kim McLane Wardlaw,
and Consuelo M. Callahan, Circuit Judges.

ORDER

The opinion in this case filed on August 29, 2012, and reported at 693 F.3d 945 is hereby withdrawn. The opinion shall not be cited as precedent by or to any court of the Ninth Circuit. As the court's opinion is withdrawn, the state's petition for rehearing and rehearing en banc is moot. A new opinion will be filed shortly.