

FOR PUBLICATION

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

RICHARD D. HURLES,
Petitioner-Appellant,

v.

CHARLES L. RYAN*,
Respondent-Appellee.

No. 08-99032

D.C. No.
2:00-cv-0118-RCB

ORDER

Filed May 16, 2014

Before: Harry Pregerson, Dorothy W. Nelson,
and Sandra S. Ikuta, Circuit Judges.

ORDER

Petitioner's motion to remand pursuant to *Martinez v. Ryan*, 132 S.Ct. 1309 (2012), filed February 11, 2013, is **GRANTED** in part and **DENIED** in part as discussed in the opinion filed together with this order.

IT IS SO ORDERED.

* Charles L. Ryan is substituted for his predecessor, Dora B. Schriro, as Director for the Arizona Department of Corrections. Fed. R. App. P. 43(c)(2).