

FOR PUBLICATION

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

GERALD ROSS PIZZUTO, JR.,
Petitioner-Appellant,

v.

RANDY BLADES, Warden, Idaho
Maximum Security Institution,
Respondent-Appellee.

No. 12-99002

D.C. No.
1:05-cv-00516-
BLW

ORDER

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, Chief District Judge, Presiding

Argued June 26, 2013
Submitted July 15, 2014
Seattle, Washington

Filed July 15, 2014

Before: Raymond C. Fisher, Ronald M. Gould,
and Johnnie B. Rawlinson, Circuit Judges.

Order

COUNSEL

Heather Williams, Federal Defender; Joseph Schlesinger and Joan M. Fisher (argued), Assistant Federal Defenders, Federal Defender for the Eastern District of California, Sacramento, California, for Petitioner-Appellant.

Lawrence G. Wasden, Attorney General of Idaho, Paul R. Panther, Deputy Attorney General, and L. LaMont Anderson (argued), Deputy Attorney General, Boise, Idaho, for Respondent-Appellee.

ORDER

This case is **RESUBMITTED** as of the date of this order.

In light of the Supreme Court's opinion in *Hall v. Florida*, 134 S. Ct. 1986 (2014), the opinion filed on September 9, 2013 and reported at *Pizzuto v. Blades*, 729 F.3d 1211 (9th Cir. 2013), is **WITHDRAWN**.

The briefing schedule set in our orders of November 4, 2013 and June 10, 2014 is **VACATED**.

Petitioner-Appellant's Petition for Rehearing and Petition for Rehearing En Banc is **DENIED** as moot.

We **VACATE** the order of the district court and **REMAND** the case to the district court for further proceedings consistent with *Hall*.