

FOR PUBLICATION

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

JOSEPH P. SHELTON,
Petitioner,

v.

JOHN C. MARSHALL; ATTORNEY
GENERAL OF THE STATE OF
CALIFORNIA,
Respondents-Appellees.

No. 13-15707

D.C. No.
4:10-cv-01100-
PJH

ORDER

Filed November 23, 2015

Before: Sidney R. Thomas, Chief Judge and Stephen
Reinhardt and Morgan Christen, Circuit Judges.

ORDER

The unopposed petition for rehearing in this case is granted. The final sentence of the opinion dated August 7, 2015 is amended to read as follows: “The district court is directed to issue a writ ordering the State to retry Shelton for the murder of Thorpe within a reasonable time or to take such other action as may be consistent with this opinion and with federal and state law. *See Lujan v. Garcia*, 734 F.3d 917, 934–95 (9th Cir. 2013).” The mandate will issue 7 days from the date of this order.