

FOR PUBLICATION

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

ROBERT DOUGLAS SMITH,
Petitioner-Appellant,

v.

CHARLES L. RYAN, Warden,
Arizona, Department of
Corrections,
Respondent-Appellee.

Nos. 96-99025
96-99026
10-99011

D.C. No.
CV-87-00234-CKJ
District of Arizona,
Tucson

ORDER

Filed February 17, 2016

Before: Mary M. Schroeder, Stephen Reinhardt,
and Consuelo M. Callahan, Circuit Judges.

Order

ORDER

The opinion filed February 4, 2016 is hereby amended as follows:

1. Slip Op. at 1: In the heading, replace “DORA B. SCHRIRO” with “CHARLES L. RYAN”.

2. Slip Op. at 1: In the heading, replace “D.C. No. CV-87-00234-RMB” with “D.C. No. CV-87-00234-CKJ District of Arizona, Tucson”.

3. Slip Op. at 4, lines 4-6: Replace “After that hearing the state trial court denied Smith’s *Atkins* claim, and the Arizona Court of Appeal and Arizona Supreme Court affirmed.” with “After that hearing, the state trial court denied Smith’s *Atkins* claim, the Arizona Court of Appeals denied special action relief, and the Arizona Supreme Court denied Smith’s petition for review.”