

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

RICHARD DEAN CLARK,  
*Petitioner-Appellant,*

v.

KEVIN CHAPPELL, Warden,  
*Respondent-Appellee.*

No. 14-99005

D.C. No.  
3:97-cv-20618-WHA

ORDER

Filed January 31, 2020

Before: Consuelo M. Callahan, Sandra S. Ikuta,  
and John B. Owens, Circuit Judges.

Order

**ORDER**

The opinion in this case, published at 936 F.3d 944 (9th Cir. 2019) is hereby amended as follows: 936 F.3d at 971, delete “and infects the jury as a whole” so that the sentence reads “Taking the ‘surrounding circumstances’ into consideration, when the juror’s improper communication with a non-juror interferes with the juror’s role as a juror, it raises a credible risk of affecting the outcome.”

With this amendment the panel has voted to deny the petition for panel rehearing and to deny the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are **DENIED**. No further petition for rehearing may be filed.