

FOR PUBLICATION

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

FRANK JARVIS ATWOOD,
Plaintiff-Appellant,

v.

DAVID SHINN, Director, Arizona
Department of Corrections,
Rehabilitation & Reentry; JAMES
KIMBLE, Warden, ASPC-Eyman;
JEFFREY VAN WINKLE, Warden,
ASPC-Florence; LANCE HETMER,
Assistant Director for Prison
Operations, Arizona Department of
Corrections, Rehabilitation &
Reentry; MARK BRNOVICH, Attorney
General, Attorney General of
Arizona; UNKNOWN PARTY, Named
as John Doe - Arizona-Licensed
Pharmacist,

Defendants-Appellees.

No. 22-15821

D.C. No.
2:22-cv-00860-
MTL-JZB

ORDER

Filed June 7, 2022

Before: S. R. THOMAS, Circuit Judge and Capital
Case Coordinator

ORDER

The three-judge panel has issued an opinion affirming the judgment of the district court and denying the request for a stay of execution. The Appellant subsequently filed a Petition for Rehearing En Banc. Pursuant to the rules applicable to capital cases when an execution date has been scheduled, a deadline was established for any judge to request a vote on whether the panel opinion should be reheard en banc. No judge requested a vote within the established time period. Therefore, en banc proceedings with respect to the panel opinion are concluded. The Petition for Rehearing En Banc is denied. The panel opinion affirming the district court is the final order of this Court pertaining to this appeal.

The mandate shall issue forthwith.