

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

LUIS MARIANO MARTINEZ,
Petitioner-Appellant,

v.

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

No. 09-15170

D.C. No.
2:08-cv-00785-JAT
District of Arizona,
Phoenix

ORDER

On Remand From The United States Supreme Court

Filed May 29, 2012

Before: J. Clifford Wallace, Procter Hug, Jr., and
Richard R. Clifton, Circuit Judges.

ORDER

Pursuant to the Opinion of the Supreme Court in *Martinez v. Ryan*, ___ U.S. ___, 132 S. Ct. 1309 (2012), inadequate assistance of counsel during initial review collateral proceedings may now establish cause for a prisoner's default of a claim of ineffective assistance at trial. The district court properly applied the law as it stood at the time of Martinez's petition. However, by qualifying *Coleman v. Thompson*, 501 U.S. 722 (1991), the Supreme Court changed the law. Therefore, the district court's denial of Martinez's petition for habeas corpus on the basis that his claim was procedurally defaulted is REVERSED, and the matter is REMANDED for proceedings consistent with the Supreme Court's opinion.