

FOR PUBLICATION

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

MARVIN VERNIS SMITH,
Petitioner-Appellee,

v.

RAUL LOPEZ, Warden,
Respondent-Appellant.

No. 12-55860

D.C. No.
8:11-cv-01076-ODW-MRW

ORDER

On Remand From The United States Supreme Court

Filed August 21, 2015

Before: Sidney R. Thomas, Chief Judge, Andrew D.
Hurwitz, Circuit Judge, and Ralph R. Beistline,* Chief
District Judge.

ORDER

In accordance with the Opinion of the Supreme Court in *Lopez v. Smith*, 574 U.S. ___, 135 S. Ct. 1 (2014) (per curiam), the judgment of the district court granting Smith's petition for a writ of habeas corpus is **REVERSED**, and the matter is **REMANDED** for proceedings consistent with the Supreme Court's opinion.

* The Honorable Ralph R. Beistline, Chief District Judge for the U.S. District Court for the District of Alaska, sitting by designation.