

FOR PUBLICATION

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

MICHAEL DANIEL CUERO,
Petitioner-Appellant,

v.

SCOTT KERNAN*,
Respondent-Appellee.

No. 12-55911

D.C. No.
3:08-cv-02008-BTM-WMC

ORDER

On Remand from the Supreme Court of the United States

Filed September 19, 2018

Before: Diarmuid F. O'Scannlain, Barry G. Silverman,
and Kim McLane Wardlaw, Circuit Judges.

ORDER

In light of *Kernan v. Cuero*, 138 S. Ct. 4 (2017), we affirm the judgment of the district court.

AFFIRMED.

* Scott Kernan has been substituted for his predecessor, Matthew Cate, as Secretary, California Department of Corrections and Rehabilitation.