

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JEFFREY TIMOTHY LANDRIGAN, a.k.a.
Billy Patrick Wayne Hill,
Petitioner-Appellant,
v.
DORA B. SCHIRO, Director,
Arizona Department of
Corrections,
Respondent-Appellee.

No. 00-99011
D.C. No.
CV-96-02367-PHX-
ROS
ORDER

On Remand from the United States Supreme Court

Filed September 4, 2007

Before: Mary M. Schroeder, Chief Judge, Harry Pregerson,
Stephen Reinhardt, Alex Kozinski, Michael Daly Hawkins,
Kim McLane Wardlaw, William A. Fletcher,
Marsha S. Berzon, Richard R. Clifton, Consuelo M. Callahan
and Carlos T. Bea, Circuit Judges.

ORDER

The mandate, issued on May 8, 2006, is recalled. In light of the Supreme Court's mandate, issued on July 30, 2007, in *Schriro v. Landrigan*, 127 S. Ct. 1933 (2007), we vacate our en banc decision, *Landrigan v. Schriro*, 441 F.3d 638 (9th Cir. 2006), and affirm the district court's denial of an evidentiary hearing on Landrigan's claim of ineffective assistance of counsel. We again adopt the three-judge panel's holdings with respect to the additional sentencing issues raised on appeal, *Landrigan v. Stewart*, 272 F.3d 1221, 1229-31 (9th Cir.

2001). Therefore, the district court's denial of Landrigan's petition for writ of habeas corpus is **AFFIRMED**.

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