

FOR PUBLICATION

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

<p style="text-align:center">MICHAEL ROBERT PULIDO, <i>Petitioner-Appellee,</i></p> <p style="text-align:center">v.</p> <p style="text-align:center">CHRIS CHRONES, <i>Respondent-Appellant.</i></p>	}
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No. 05-15916
D.C. No.
CV-99-04933-CW

<p style="text-align:center">MICHAEL ROBERT PULIDO, <i>Petitioner-Appellant,</i></p> <p style="text-align:center">v.</p> <p style="text-align:center">CHRIS CHRONES, <i>Respondent-Appellee.</i></p>	}
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No. 05-16308
D.C. No.
CV-99-04933-CW
ORDER

ON REMAND FROM THE UNITED STATES
SUPREME COURT

Filed March 20, 2009

Before: Alfred T. Goodwin, Diarmuid F. O'Scannlain, and
Sidney R. Thomas, Circuit Judges.

ORDER

In light of *Hedgpeth v. Pulido*, 555 U.S. __ (2008), 129 S. Ct. 530, which vacated the judgment of this court, 487 F.3d 669, and remanded, we in turn remand this case to the district court for further proceedings in accordance with the Supreme Court's determination that the appropriate standard of review in a case under the Antiterrorism and Effective Death Penalty

Act of 1996 is harmless error, rather than structural error, when a jury is instructed on alternative theories of guilt.

REMANDED.

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