

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

|                                                                                                                                                                                                                               |   |                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------------------------|
| <p>JOHNATHAN ANDREW DOODY,<br/><i>Petitioner-Appellant,</i></p> <p style="text-align:center">v.</p> <p>DORA B. SCHRIRO; MEGAN SAVAGE;<br/>ATTORNEY GENERAL OF THE<br/>STATE OF ARIZONA,<br/><i>Respondents-Appellees.</i></p> | } | <p>No. 06-17161</p> <p>D.C. No.<br/>CV-98-00528-EHC</p> <p style="text-align:center"><b>ORDER</b></p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------------------------|

Filed May 12, 2009

---

**ORDER**

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Hawkins and Silverman did not participate in the deliberations or vote in this case.

---

PRINTED FOR  
ADMINISTRATIVE OFFICE—U.S. COURTS  
BY THOMSON REUTERS/WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted  
© 2009 Thomson Reuters/West.