

FILED

UNITED STATES COURT OF APPEALS

NOV 05 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ARMENIA LEVI CUDJO, Jr.,

No. 08-99028

Petitioner - Appellant,

D.C. No. 2:99-cv-08089-JFW
Central District of California,
Los Angeles

v.

ROBERT L. AYERS, Jr., Warden,
Warden, California State Prison at San
Quentin,

ORDER

Respondent - Appellee.

Before: KOZINSKI, Chief Judge, O'SCANNLAIN and N.R. SMITH, Circuit Judges.

Chief Judge Kozinski and Judge Smith vote to deny the petition for rehearing en banc. Judge O'Scannlain votes to grant the petition for rehearing en banc.

The full court was advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing en banc is DENIED.