

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 11 2022

FOR THE NINTH CIRCUIT

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

MARCELLAS HOFFMAN,

Plaintiff-Appellant,

v.

PRESTON,

Defendant-Appellee,

and

D. COYLE; MATEVOISAIN, Warden; L. T.
HAYES; FIELDS, SIA Investigator,

Defendants.

No. 20-15396

D.C. No.

1:16-cv-01617-LJO-SAB

Eastern District of California,
Fresno

ORDER

Before: WARDLAW and BEA, Circuit Judges, and ROSENTHAL,* District
Judge.

* The Honorable Lee H. Rosenthal, Chief United States District Judge
for the Southern District of Texas, sitting by designation.

SUMMARY**

Civil Rights

After ordering supplemental briefing on June 15, 2022 to address the effect on this case of the Supreme Court's decision in *Egbert v. Boule*, No. 21-147, 142 S. Ct. 1793 (2022), the panel withdrew its previous opinion and replaced it with a memorandum disposition filed concurrently with this order.

** This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

ORDER

On June 15, 2022, we requested supplemental briefs addressing the effect on this case of the Supreme Court's decision in *Egbert v. Boule*, No. 21-147, 142 S. Ct. 1793 (2022). Dkt. 58. After reviewing those briefs, we **WITHDRAW** our previous opinion and replace it with the memorandum disposition filed concurrently with this order.

IT IS SO ORDERED.