

# APPENDIX B

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

MAY 18 2018

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

SAMUEL W. SWOOPES,

Petitioner-Appellant,

v.

CHARLES L. RYAN, Warden; et al.,

Respondents-Appellees.

No. 16-15506

D.C. No. 4:93-cv-00471-DCB  
District of Arizona,  
Tucson

ORDER

Before: KLEINFELD and TALLMAN, Circuit Judges, and MURPHY,\* District Judge.

The panel votes to deny the petition for rehearing. The panel recommends denial of the petition for rehearing en banc.

The full court has been 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.

Petitioner's petition for rehearing and rehearing en banc is DENIED.

---

\* The Honorable Stephen Joseph Murphy III, United States District Judge for the Eastern District of Michigan, sitting by designation.