

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 1 2023

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

KURT MICHAELS,

Petitioner-Appellant,

v.

RONALD DAVIS, Warden, Acting Warden
of San Quentin State Prison; ATTORNEY
GENERAL FOR THE STATE OF
CALIFORNIA,

Respondents-Appellees.

No. 15-99005

D.C. No.

3:04-cv-00122-JAH-JLB

Southern District of California,
San Diego

ORDER

Before: GOULD, BERZON, and BEA, Circuit Judges.

A majority of this panel has voted to deny the Petition for Rehearing. Judge Gould has voted to deny the Petition for Rehearing En Banc and Judge Bea so recommends. Judge Berzon voted to grant the Petition for Rehearing and recommended granting the Petition for Rehearing En Banc.

The full court has been advised of the Petition for Rehearing En Banc and no judge of the court has requested a vote on whether to rehear the matter en banc.

Fed. R. App. P. 35.

Petitioner-Appellant's Petition for Panel Rehearing and Petition for Rehearing En Banc are DENIED.