

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG - 6 2004

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

TERRY JESS DENNIS,

Petitioner

KARLA BUTKO, as next friend of
Terry Jess Dennis,

Applicant in intervention - Appellant

v.

MICHAEL BUDGE, Warden, and BRIAN
SANDOVAL, Attorney General of the State
of Nevada,

Respondents - Appellees.

No. 04-99003

D.C. No. CV-S-04-0798-PMP
District of Nevada, Las Vegas

ORDER

Before: RYMER, BERZON, and CALLAHAN, Circuit Judges.

Judges Rymer and Callahan have voted to deny the petition for panel rehearing and petition for rehearing en banc. Judge Berzon would grant the petition.

The full court was 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.

The petition for rehearing en banc, filed August 3, 2004, is **DENIED**.