

**FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

HOWARD WILLIAM FLOWERS,

Petitioner-Appellant.

v.

KAY WALTER,

Respondent-Appellee.

No. 99-35552

D.C. No.
CV-97-23Z

ORDER

Filed September 25, 2001

Before: Harry Pregerson and Dorothy W. Nelson,
Circuit Judges, and Lawrence K. Karlton, District Judge.¹

ORDER

The per curiam opinion filed on February 9, 2001, published at 239 F.3d 1096, is hereby WITHDRAWN.

¹ The Honorable Lawrence K. Karlton, Senior United States District Judge for the Eastern District of California, sitting by designation.

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