

Corrected 2/3/03

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LAWRENCE S. BITTAKER,
Petitioner-Appellee,
v.
JEANNE S. WOODFORD, Warden,
California State Prison of San
Quentin,
Respondent-Appellant.

No. 02-99000
D.C. No.
CV-91-01643-WMB
ORDER

Filed January 29, 2003

Before: Mary M. Schroeder, Chief Judge.

ORDER

Upon the vote of a majority of nonrecused regular active judges of this court,¹ it is ordered that this case be heard by the en banc court pursuant to Circuit Rule 35-3.

¹Judge Trott was recused.

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