

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DENNIS MARK LA CROSSE,
Petitioner-Appellant,

No. 97-55085

v.

D.C. No.

PEGGY KERNAN, Warden; ATTORNEY

CV-96-04111-LEW

GENERAL OF THE STATE OF

ORDER

CALIFORNIA,
Respondents-Appellees.

Filed September 8, 2000

Before: Diarmuid F. O'Scannlain, Ferdinand F. Fernandez
and Thomas G. Nelson, Circuit Judges.

ORDER

The mandate issued on August 31, 2000, is hereby recalled.
A copy of this order shall immediately be served on the clerk
of the district court by phone and fax.

The Opinion filed April 24, 2000, and amended August 23,
2000, is withdrawn.

Judge Fernandez dissents.