

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

WARREN WESLEY SUMMERLIN,
Petitioner-Appellant.

No. 98-99002

v.

D.C. No.
CV-86-00584-ROS

TERRY L. STEWART, Director of
Arizona Department of

ORDER

Corrections,
Respondent-Appellee.

Filed February 11, 2002

Before: Alex Kozinski, Stephen S. Trott, and
Sidney R. Thomas, Circuit Judges.

ORDER

The Opinion filed October 12, 2001, slip op. 14361, and appearing at 267 F.3d 926 (9th Cir. 2001), is withdrawn. It may not be cited as precedent by or to this court or any district court of the Ninth Circuit.

Submission is deferred pending the final disposition by the Supreme Court of State v. Ring, 25 P.3d 1139 (Ariz. 2001), cert. granted, 122 S.Ct. 865, 70 USLW 3246 (2002) (No. 01-488).