

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 29 2008

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

ANTHONY ARTHUR BUSH,

Petitioner - Appellant,

v.

CHERYL K. PLILER, Warden; BILL
LOCKYER, Attorney General,

Respondents - Appellees.

No. 04-56348

D.C. No. CV-01-00142-NAJ/NLS
Southern District of California,
San Diego

ORDER GRANTING PETITION
FOR REHEARING AND
WITHDRAWING
MEMORANDUM DISPOSITION

Before: KLEINFELD and FISHER, Circuit Judges, and SHADUR, Senior Judge.*

The petition for panel rehearing, filed April 5, 2007, is **GRANTED**. The memorandum disposition filed on December 13, 2005, and appearing at 162 Fed. App'x 689 (9th Cir. 2005) is withdrawn. The superseding memorandum disposition will be filed concurrently with this order. The parties may file an additional petition for rehearing or rehearing en banc. All other pending motions are denied as moot.

Judge Kleinfeld dissents from this order.

*The Honorable Milton I. Shadur, Senior United States District Judge for the Northern District of Illinois, sitting by designation.

