

948 F.3d 1172
United States Court of Appeals, Ninth Circuit.

Richard Dean CLARK,
Petitioner-Appellant,
v.
Kevin CHAPPELL, Warden,
Respondent-Appellee.

No. 14-99005
|
Filed January 31, 2020

D.C. No. 3:97-cv-20618-WHA

Before: [Consuelo M. Callahan](#), [Sandra S. Ikuta](#), and
[John B. Owens](#), Circuit Judges.

ORDER

The opinion in this case, published at [936 F.3d 944](#)
(9th Cir. 2019) is hereby amended as follows: [936](#)
[F.3d at 971](#), delete “and infects the jury as a whole”
so that the sentence reads “Taking the ‘surrounding
circumstances’ into consideration, when the juror’s
improper communication with a non-juror interferes
with the juror’s role as a juror, it raises a credible risk
of affecting the outcome.”

With this amendment the panel has voted to deny the
petition for panel rehearing and to deny the petition
for rehearing en banc. The full court has been advised
of the petition for rehearing en banc and no judge has
requested a vote on whether to rehear the matter en
banc. [Fed. R. App. P. 35](#).

The petition for panel rehearing and the petition for
rehearing en banc are **DENIED**. No further petition for
rehearing may be filed.

All Citations

948 F.3d 1172 (Mem)

End of Document

© 2022 Thomson Reuters. No claim to original U.S.
Government Works.