

FOR PUBLICATION

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

BRIAN NEWTON, an individual,
Plaintiff-Appellant,

v.

PARKER DRILLING MANAGEMENT
SERVICES, LTD., Erroneously Sued
As Parker Drilling Management
Services, Inc.,
Defendant-Appellee,

and

PARKER DRILLING MANAGEMENT
SERVICES, INC., a Nevada
Corporation,
Defendant.

No. 15-56352

D.C. No.
2:15-cv-02517-
RGK-AGR

ORDER

Filed April 27, 2018

Before: Richard A. Paez, Marsha S. Berzon,
and Morgan Christen, Circuit Judges.

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ORDER

The Washington Legal Foundation's motion for leave to file brief as amicus curiae in support of Appellee's petition for rehearing en banc is **GRANTED**.

The panel votes to deny the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc, and no judge requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The opinion, filed on February 5, 2018, is amended. On page 40, after the sentence, "We vacate the order dismissing Newton's claims and remand to the district court for further proceedings consistent with this opinion[.]" the following footnote is added: "We reserve for the district court's consideration on remand the question whether our holding should be applied retrospectively. *See Huson*, 404 U.S. at 355."

With the foregoing amendment, the petition for rehearing en banc, filed March 22, 2018, is **DENIED**. No further petitions for rehearing will be entertained.