

**FOR PUBLICATION**

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

STEVEN ALAN LEVIN,  
*Plaintiff-Appellant,*

v.

UNITED STATES OF AMERICA; FRANK  
M. BISHOP, LCDR, MC, USNR  
3855,

*Defendants-Appellees,*

and

ROBERT WRESCH,  
*Movant-Appellee.*

No. 09-16362

D.C. No.  
1:05-cv-00008  
District of Guam,  
Agana

ORDER

On Remand from the United States Supreme Court

Filed May 23, 2013

Before: Diarmuid F. O'Scannlain, Richard C. Tallman, and  
Milan D. Smith, Jr., Circuit Judges.

**ORDER**

The original decision entered by this court in this matter, reported at 663 F.3d 1059 (9th Cir. 2011), was reversed by the Supreme Court of the United States. *See Levin v. United States*, 133 S. Ct. 1224 (2013). We, in turn, reverse and remand to the district court for further proceedings on Levin's battery claim, consistent with the Supreme Court's opinion.

**REVERSED and REMANDED.**