

MAR 25 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>COLIN NATHANSON,</p> <p style="text-align: center;">Defendant - Appellant.</p> |
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No. 09-50422

D.C. No. 8:05-cr-00301-CJC-1
Central District of California,
Santa Ana

ORDER

Before: GOODWIN and RAWLINSON, Circuit Judges, and ZOUHARY, District Judge.*

The memorandum disposition filed on December 15, 2010, is hereby amended as follows:

The last sentence of the paragraph numbered **2**, beginning of page 2 of the disposition and continuing to page 3 is deleted. The following language is no longer included in the disposition: Despite Nathanson’s argument that he did not organize or lead another criminally culpable participant, this enhancement may be applied without an express finding of such conduct where the defendant

* The Honorable Jack Zouhary, District Judge for the U.S. District Court for Northern Ohio, Toledo, sitting by designation.

“nevertheless exercised management responsibility over the property, assets, or activities of a criminal organization.” U.S.S.G. § 3B1.1 cmt. n.2 (2008).

With this amendment, Colin Nathanson’s Petition for Rehearing and Suggestion for Rehearing En Banc, filed on January 28, 2011, is DENIED. No additional petitions for rehearing will be entertained by the panel.

The full court has been advised of the Suggestion for Rehearing En Banc, and no judge of the court has requested a vote.

Appellant Colin Nathanson’s Petition for Rehearing filed on January 28, 2011, is DENIED, and the Suggestion for Rehearing En Banc is REJECTED.