

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
v.  
RAUL ORTUNO-HIGAREDA,  
*Defendant-Appellant.*

No. 04-10257  
D.C. No.  
CR-00-00786-  
1-JMR  
District of Arizona,  
Tucson  
ORDER

Filed March 16 2007

Before: Mary M. Schroeder, Chief Circuit Judge,  
J. Clifford Wallace, Stephen Reinhardt,  
Diarmuid F. O'Scannlain, Pamela Ann Rymer,  
Michael Daly Hawkins, Sidney R. Thomas,  
Barry G. Silverman, Susan P. Graber,  
Kim McLane Wardlaw, Raymond C. Fisher,  
Richard A. Paez, Marsha S. Berzon, Richard C. Tallman, and  
Jay S. Bybee, Circuit Judges.

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**ORDER**

In light of the information furnished to us by the parties in response to our order of March 13, 2007, the appeal is dismissed as moot. The three-judge panel opinion, published at 450 F.3d 406 (9th Cir. 2006), is vacated.

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