

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>  v.  RODRIGO ALEJANDRO MORALES- PEREZ, <i>Defendant-Appellant.</i>
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No. 05-10115  
D.C. No.  
CR-04-00094-JCM  
ORDER

Filed April 19, 2006

Before: Alfred T. Goodwin, Diarmuid F. O'Scannlain, and  
Richard C. Tallman, Circuit Judges.

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**ORDER**

The panel opinion and Judge Tallman's dissent filed on February 22, 2006, are withdrawn. A substitute opinion will issue in due course. The petition for rehearing en banc is denied as moot without prejudice to renewal by either party following issuance of the new opinion.

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