

FOR PUBLICATION

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee*,  
v.  
JOHN W. SELJAN,  
*Defendant-Appellant.*

No. 05-50236  
D.C. No.  
CR-03-00232-AHS  
Central District  
of California,  
Santa Ana  
ORDER

Filed January 16, 2008

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**ORDER**

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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