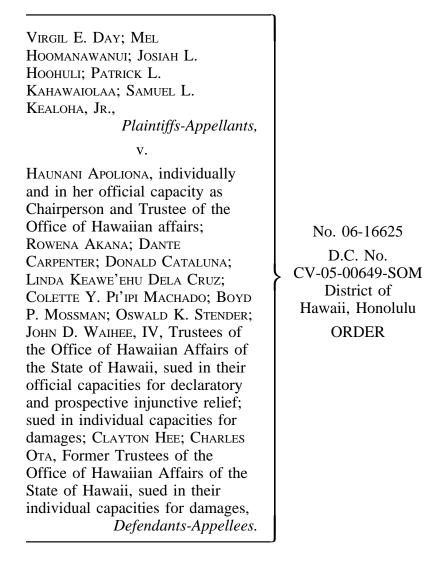
FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT



16749

16750

Day v. Apoliona

Filed December 19, 2007

Before: David R. Thompson, Marsha S. Berzon, and Richard C. Tallman, Circuit Judges.

ORDER

The opinion is amended to remove the words "*sua sponte*" on page six of the slip opinion (page 9431).

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