

FOR PUBLICATION

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

<p>UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i></p> <p style="text-align: center;">v.</p> <p>KENDERICK BEGAY, a.k.a. Kendrick Begay, <i>Defendant-Appellant.</i></p>	}	<p>No. 07-10487</p> <p>D.C. No. CR-06-00626-DGC</p> <p style="text-align: center;">ORDER</p>
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Filed January 4, 2010

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.