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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ALLON JENKINS,</p> <p>Defendant - Appellant.</p>
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No. 10-30277

D.C. No. 6:10-cr-00007-CCL-1

ORDER\*

Appeal from the United States District Court  
for the District of Montana  
Charles C. Lovell, Senior District Judge, Presiding

Submitted March 2, 2012  
Portland, Oregon

Before: FISHER, GOULD, and PAEZ, Circuit Judges.

This case is submitted for decision as of the date of the filing of this order.

The sentence and judgment of the district court are vacated. In light of the Supreme Court’s denial of the cert petition in *United States v. Valverde*, 09-10063, we grant Defendant-Appellant Allon Jenkins’s unopposed motion to remand to the

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

district court. Upon remand, the district court is directed to grant Jenkins's second motion to dismiss the indictment, filed on June 9, 2010. The filing of this order shall serve as the court's mandate.

VACATED and REMANDED.