

FILED**FOR PUBLICATION**

APR 25 2013

UNITED STATES COURT OF APPEALSMOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**FOR THE NINTH CIRCUIT****UNITED STATES OF AMERICA,**

Plaintiff - Appellee,

v.

RUFINO IGNACIO VALDES-VEGA,

Defendant - Appellant.

No. 10-50249

D.C. No. 5:09-cr-00024-VAP-1

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 Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.