

**FILED****FOR PUBLICATION**

SEP 09 2013

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

Plaintiff - Appellee,

v.

**SALVADOR HERNANDEZ-  
ESTRADA,**

Defendant - Appellant.

No. 11-50417

D.C. No. 3:10-cr-00558-BTM-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.