

FOR PUBLICATION**FILED****UNITED STATES COURT OF APPEALS**

JAN 27 2017

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

Plaintiff-Appellee,

v.

ALEXIS TORRES SIMON,

Defendant-Appellant.

No. 15-10203

D.C. No.

2:13-cr-00148-JAD-GWF-2

District of Nevada,

Las Vegas

ORDER**THOMAS**, 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 disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.