

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 7 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BRETT DEPUE,

Defendant-Appellant.

No. 15-10553

D.C. No.

2:10-cr-00121-RLH-RJJ-1

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.

Judge Bybee did not participate in the deliberations or vote in this case.