

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

BRYANT KAZUYOSHI IWAI,
Defendant-Appellant.

No. 18-10015

D.C. No.
1:15-cr-00723-DKW-1

ORDER

Filed March 4, 2020

Before: Richard C. Tallman, Jay S. Bybee,
and N. Randy Smith, Circuit Judges.

Order

ORDER

Judge Tallman and Judge N.R. Smith have voted to deny the petition for rehearing and recommend denying the petition for rehearing en banc. Judge Bybee has voted to grant the petition for rehearing and recommends granting the petition for rehearing en banc.

The full court was advised of the petition for rehearing and petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of nonrecused active judges in favor of en banc consideration. Fed. R. App. 35.

The petition for rehearing and rehearing en banc are **DENIED**.