

FOR PUBLICATION

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

UNITED STATES OF AMERICA,
Plaintiff,

and

OPTIONAL CAPITAL, INC., AKA
Optional Ventures,
Claimant-Appellant,

v.

DAS CORPORATION,
Respondent-Appellee,

and

475 MARTIN LANE, BEVERLY HILLS,
CALIFORNIA, Real Property, Located
at, et.al.,

Defendants.

No. 19-55128

D.C. Nos.
2:04-cv-02788-
ABC-PLA
2:04-cv-03386-
ABC-PLA
2:05-cv-03910-
ABC-PLA

ORDER

Filed February 3, 2022

Before: Daniel P. Collins and Kenneth K. Lee, Circuit Judges, and Gregory A. Presnell,* District Judge.

Order

ORDER

The opinion filed on November 19, 2021 and reported at 18 F.4th 1032 is amended by adding, at the end of the last paragraph of Section I(D) on page 1039, the following new sentence:

On December 7, 2021, the state appellate court granted Optional's petition for rehearing.

The duplicative petitions for rehearing and rehearing en banc (Dkt. Entries 36, 37) are deemed to be withdrawn and replaced by the petition that is at Docket Entry 38. With the opinion as amended, the panel has unanimously voted to deny the petition for rehearing. Judges Collins and Lee have voted to deny the petition for rehearing en banc, and Judge Presnell so recommends. The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. See FED. R. APP. P. 35. Accordingly, the petition for rehearing and rehearing en banc filed on December 3, 2021 (Dkt. Entry 38) is **DENIED**. No further petitions for rehearing or rehearing en banc will be entertained.

* The Honorable Gregory A. Presnell, United States District Judge for the Middle District of Florida, sitting by designation.