

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 11 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

GERARDO FARIAS-CONTRERAS, AKA
Tomas Gomez,

Defendant-Appellant.

No. 21-30055

D.C. No.

2:19-cr-00111-WFN-17

Eastern District of Washington,
Spokane

ORDER

MURGUIA, 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 is vacated.

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