

MAR 16 2011

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>RICARDO CORDERO-ONTIVEROS,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 09-50622

D.C. No. 3:09-cr-03510-LAB-1
Southern District of California,
San Diego

ORDER

Before: PREGERSON and CLIFTON, Circuit Judges, and HOLLAND, Senior District Judge.*

The memorandum disposition filed December 21, 2010, is hereby amended as follows: At page 3, lines 4-5, replace “It was logical and reasonable for the district court to use Cordero’s past sentences as a starting point for setting his new sentence” with “It was logical and reasonable for the district court to set Cordero’s sentence higher than his past sentences”.

With this amendment, the petition for rehearing is DENIED. No further petitions for rehearing will be entertained.

* The Honorable H. Russel Holland, Senior District Judge for the U.S. District Court for Alaska, Anchorage, sitting by designation.