

UNITED STATES COURT OF APPEALS

DEC 14 2011

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GLORIA GIANNINI,

Defendant - Appellant.

No. 10-10274

D.C. No. 2:07-cr-00018-EJG-1
Eastern District of California,
SacramentoORDER AMENDING
MEMORANDUM DISPOSITION
AND DENYING PETITION FOR
PANEL REHEARING AND
SUGGESTION FOR
REHEARING EN BANC

Before: BYBEE and MURGUIA, Circuit Judges, and EZRA, District Judge.*

The Memorandum Disposition filed July 5, 2011 is amended as follows:

On page 2, in the first sentence of the third paragraph, change “the district court did not clearly err in finding” to “the district court did not err in finding”.

On page 3, in the first full sentence appearing on this page, change “The 2004 plea agreement could not immunize Giannini for the ongoing fraud in which she was engaged, and in which she continued until 2006.” to “The 2005 plea agreement did not immunize Giannini for the fraud in which she was engaged.”

With this amendment, the panel has voted to deny the petition for panel rehearing.

* The Honorable David A. Ezra, District Judge for the U.S. District Court for the District of Hawaii, sitting by designation.

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. Fed. R. App. P. 35.

Appellant's petition for rehearing and petition for rehearing en banc, filed August 16, 2011, is DENIED. The panel will not entertain future petitions for rehearing.