

MAR 08 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>DAVID ALAN HICKEY,</p> <p>Defendant - Appellant.</p>
---

No. 09-10365

D.C. No. 2:08-cr-01518-JAT-1

ORDER\*

Appeal from the United States District Court  
for the District of Arizona  
James A. Teilborg, District Judge, Presiding

Argued and Submitted August 30, 2010  
Deferred March 25, 2011  
Resubmitted March 2, 2012  
San Francisco, California

Before: B. FLETCHER, TALLMAN, and RAWLINSON, Circuit Judges.

The Joint Motion to Vacate and Remand, filed on February 29, 2012, is GRANTED. Defendant David Alan Hickey’s conviction and sentence are vacated and this matter is remanded to the district court for further proceedings.

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

VACATED AND REMANDED.