

MAR 19 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRANCE GEORGE TUCKER, AKA
Terry Tucker,

Defendant - Appellant.

No. 09-50612

D.C. No. 2:08-cr-01404-R-1
Central District of California,
Los Angeles

ORDER AMENDING
MEMORANDUM DISPOSITION
AND DENYING PETITIONS
FOR REHEARING

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SONYA DELORES WODKE TUCKER,
AKA Cheri Tucker, AKA Sonya Tucker,

Defendant - Appellant.

No. 09-50625

D.C. No. 2:08-cr-01404-R-2
Central District of California,
Los Angeles

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

No. 10-50127

D.C. No. 2:08-cr-01404-R-1
Central District of California,
Los Angeles

TERRANCE GEORGE TUCKER, AKA
Terry Tucker,

Defendant - Appellant.

ORDER

Before: W. FLETCHER and RAWLINSON, Circuit Judges, and MILLS, Senior District Judge.*

The memorandum disposition filed on December 22, 2011 is amended as follows:

1. Change the text on page 3, line 14 beginning with “no procedural error occurred” to read:

“no procedural error occurred, including plain error in applying the number-of-victims adjustment. *See United States v. Amezcua-Vasquez*, 567 F.3d 1050, 1053 (9th Cir. 2009); *see also United States v. Showalter*, 569 F.3d 1150, 1160 (9th Cir. 2009) (permitting reliance on undisputed facts in the Presentence Report)”.
2. Delete the following text on page 3, line 17: “for the first time on appeal”.
3. Delete the following text on page 4, lines 5-7: “Accordingly, no plain error occurred. *See United States v. Armstead*, 552 F.3d 769, 776 (9th Cir. 2008), *as amended*.”
4. Replace the citation to “*See Ressam*, 629 F.3d at 826” on page 4, line 9, with “*See Amezcua-Vasquez*, 567 F.3d at 1053”.
5. Replace the citation to “*See id.* at 827-28,” on page 4, line 11, with “*See id.*”.

* The Honorable Richard Mills, Senior District Judge for the U.S. District Court for Central Illinois, sitting by designation.

6. Replace the citation to “*See Ressam*, 629 F.3d at 824” on page 4, line 13, with “*See Amezcua-Vasquez*, 567 F.3d at 1055”.

With the above amendments, the panel has voted to deny Appellant Sonya Tucker’s Petition For Rehearing filed on January 30, 2012 and Appellant Terrance Tucker’s Petition for Panel Rehearing filed on February 1, 2012.

The petitions for rehearing are DENIED.

No further petitions for rehearing or petitions for rehearing en banc will be entertained.