

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 31 2013

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADALID RODRIGUEZ CARDENAS,

Defendant - Appellant.

No. 10-50515

D.C. No. 3:10-cr-01580-LAB-1
Southern District of California,
San Diego

ORDER

Before: D.W. NELSON and O’SCANNLAIN, Circuit Judges, and SINGLETON,
Senior District Judge.*

The memorandum disposition filed in this case on December 20, 2012 is
hereby amended as follows:

On page 4 of the memorandum disposition, delete the sentence in the second
paragraph which states “Cardenas fails to show any prejudice resulting from the
admission of this testimony” and replace it with “No prejudice resulted from the
admission of this testimony.”

With this amendment, the panel has voted to deny the petition for rehearing
and rehearing en banc. The panel has voted unanimously to deny the petition for

* The Honorable James K. Singleton, Senior District Judge for the U.S.
District Court for the District of Alaska, sitting by designation.

rehearing. Judge O'Scannlain has voted to deny the petition for rehearing en banc, and Judges Nelson and Singleton have so recommended. 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.

The petition for rehearing and petition for rehearing en banc is DENIED.

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