

MAR 21 2014

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NOT FOR PUBLICATION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.

JAVIER MONTES-RUIZ,

Defendant - Appellant.

No. 12-50398

D.C. No. 3:07-cr-01164-LAB-1  
Southern District of California,  
San Diego

ORDER

Before: GOULD and RAWLINSON, Circuit Judges, and LEMELLE, District Judge.\*

The mandate issued on December 13, 2013, is hereby recalled.

The unopposed request for publication is granted, and the Memorandum Disposition filed on November 20, 2013, is withdrawn. The withdrawn memorandum disposition is replaced and superseded by the attached opinion.

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\* The Honorable Ivan L.R. Lemelle, District Judge for the U.S. District Court for the Eastern District of Louisiana, sitting by designation.