

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>  v.  TOBY C. PATTERSON, <i>Defendant-Appellant.</i>
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No. 00-30306  
D.C. No.  
CR 99-081 EJL  
ORDER

Filed March 4, 2004

Before: John T. Noonan, A. Wallace Tashima, and  
Richard C. Tallman, Circuit Judges.

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**ORDER**

Appellant's petition for panel rehearing is granted, with Judge Tallman voting to deny the petition. The opinion filed on May 16, 2002, and reported at 292 F.3d 615, is withdrawn.

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