

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. MARVIN BUTLER, <i>Defendant-Appellant.</i>
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No. 02-50182  
D.C. No.  
CR-99-01178-CBM  
Central District  
of California,  
Los Angeles  
ORDER

Filed May 17, 2005

Before: James R. Browning, Pamela Ann Rymer, and  
Susan P. Graber, Circuit Judges.

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**ORDER**

The opinion filed November 23, 2004, slip opinion 16301,  
and appearing at 389 F.3d 956 (9th Cir. 2004), is withdrawn.

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