

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
GEORGE MICHAEL RUELAS,
Defendant-Appellant.

No. 02-50600
D.C. No.
CR-99-01363-CAS
Central District
of California,
Los Angeles

UNITED STATES OF AMERICA,
Plaintiff-Appellant,
v.
GEORGE MICHAEL RUELAS,
Defendant-Appellee.

No. 02-50660
D.C. No.
CR-99-01363-CAS
ORDER

Filed June 16, 2005

Before: Andrew J. Kleinfeld, Kim McLane Wardlaw, and
Marsha S. Berzon, Circuit Judges.

ORDER

Upon remand from the United States Supreme Court, we have reconsidered this case in light of *United States v. Booker*, 543 U.S. ___, 125 S. Ct. 738 (2005), and we therefore order that the memorandum disposition filed on May 5, 2004 be amended as follows:

Page 2, line 9: Delete the phrase “and we affirm” from the sentence beginning with “We have jurisdiction” Add a new sentence stating, “We affirm Ruelas’s conviction, and

remand in accordance with *United States v. Ameline*, No. 02-30326, slip op. at 6368-71 (9th Cir. June 1, 2005) (en banc).

Page 8, line 10: Insert a new section six, entitled “Sixth Amendment Error,” followed by the following paragraph:

Because Ruelas did not challenge his sentence on Sixth Amendment grounds in the district court, we grant a limited remand pursuant to *United States v. Ameline*, No. 02-30326, slip op. at 6368-71 (9th Cir. June 1, 2005) (en banc).

Last line of the disposition: Replace “AFFIRMED” with “AFFIRMED IN PART; REMANDED”

It is so ORDERED.

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