

FILED

JAN 07 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFEREY GRUBBS,

Defendant - Appellant.

No. 03-10311

D.C. No. CR-02-00164-1-WBS
Eastern District of California,
Sacramento

ORDER

Before: B. FLETCHER and REINHARDT, Circuit Judges, and RESTANI,* Judge.

The order for publication filed on December 27, 2007 is hereby withdrawn.

The panel will take the remaining issues on appeal under consideration. The parties will be notified if supplemental briefing or additional oral argument is required.

* The Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.