

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

MICHAEL LEE SNELLENBERGER, aka  
Michael Lee Cutter, Michael Lee  
Davidson, Robert Eugene Frehly,  
Cutter Snellenberger, "Cutter",  
*Defendant-Appellant.*

No. 06-50169

D.C. No.  
CR-05-00064-AHS  
Central District  
of California,  
Santa Ana  
ORDER

Filed March 14, 2008

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**ORDER**

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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