

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. JESUS NORBERTO EVANS-MARTINEZ, <i>Defendant-Appellant.</i>
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No. 05-10280  
D.C. No.  
CR-03-00187-DAE  
District of Hawaii,  
Honolulu  
ORDER

Filed June 27, 2008

Before: Robert R. Beezer and Raymond C. Fisher,  
Circuit Judges, and Robert J. Timlin,\* Senior District Judge.

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**ORDER**

The Opinion filed June 1, 2006, slip op. 5969, and appearing at 448 F.3d 1163 (9th Cir. 2006), is withdrawn. It may not be cited as precedent by or to this court or any district court of the Ninth Circuit.

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\*The Honorable Robert J. Timlin, Senior District Judge for the United States District Court for the Central District of California, sitting by designation.

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