

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

EARL ANTHONY NEVILS, a/k/a EARL  
NEVILS, JR., EARL BOWMAN, EARL  
JOHNSON, ALFRED JOHNSON,  
“BABYCRIPTOE”, “LILAMIGO” and  
“BABY FROG,”  
*Defendant-Appellant.*

No. 06-50485

D.C. No.  
CR-03-01269-CBM  
ORDER

Filed June 16, 2009

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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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