

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. MALIK SMITH, <i>Defendant-Appellant.</i>
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No. 05-50375  
D.C. No.  
CR-03-00728-PA-01  
Central District of  
California,  
Los Angeles  
**ORDER**

Filed June 25, 2009

Before: Alex Kozinski, Chief Judge, Mary M. Schroeder,  
Stephen Reinhardt, Andrew J. Kleinfeld,  
Michael Daly Hawkins, Susan P. Graber,  
Kim McLane Wardlaw, Ronald M. Gould, Richard A. Paez,  
Marsha S. Berzon and Sandra S. Ikuta, Circuit Judges.

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**ORDER**

A majority of the panel has voted to deny the remaining requests in Appellant's Petition for Additional Rehearing By Limited En Banc Panel not addressed in the Order Amending Opinion, filed on April 9, 2009.

The requests in Appellant's Petition not addressed in the Order Amending Opinion are **DENIED**.

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