

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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| UNITED STATES OF AMERICA <i>Plaintiff-Appellant,</i> v. JOHN MICHAEL FOX, <i>Defendant-Appellee.</i> |
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No. 08-30445
D.C. No.
3:96-CR-00080-JKS
ORDER

Filed September 16, 2009

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be heard en banc pursuant to Circuit Rule 35-3.

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