

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>  v.  KENDERICK BEGAY, a.k.a. Kendrick Begay, <i>Defendant-Appellant.</i>
--

No. 07-10487  
D.C. No.  
CR-06-00626-DGC  
ORDER

Filed January 4, 2010

---

**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.