

FOR PUBLICATION

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

STEVEN ALAN LEVIN,
Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; FRANK
M. BISHOP, LCDR, MC, USNR
3855,

Defendants-Appellees,

and

ROBERT WRESCH,
Movant-Appellee.

No. 09-16362

D.C. No.
1:05-cv-00008
District of Guam,
Agana

ORDER

On Remand from the United States Supreme Court

Filed May 23, 2013

Before: Diarmuid F. O'Scannlain, Richard C. Tallman, and
Milan D. Smith, Jr., Circuit Judges.

ORDER

The original decision entered by this court in this matter, reported at 663 F.3d 1059 (9th Cir. 2011), was reversed by the Supreme Court of the United States. *See Levin v. United States*, 133 S. Ct. 1224 (2013). We, in turn, reverse and remand to the district court for further proceedings on Levin's battery claim, consistent with the Supreme Court's opinion.

REVERSED and REMANDED.