

FOR PUBLICATION

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOHN DENNIS APEL,
Defendant-Appellant.

No. 11-50003

D.C. No.
2:10-cr-00830-
JFW-1

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOHN DENNIS APEL,
Defendant-Appellant.

No. 11-50004

D.C. No.
2:10-cr-00869-
JFW-1

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOHN DENNIS APEL,
Defendant-Appellant.

No. 11-50005

D.C. No.
2:10-cr-00831-
JFW-1

OPINION

On Remand From The United States Supreme Court

Filed August 14, 2014

Before: Barry G. Silverman and Johnnie B. Rawlinson,
Circuit Judges, and John R. Tunheim, District Judge.*

Per Curiam Opinion

COUNSEL

Erwin Chemerinsky, Selwyn Chu (argued) and Matthew Plunkett (argued), law students, University of California, Irvine School of Law, for Defendant-Appellant.

André Birotte Jr., United States Attorney, Robert E. Dugdale and Mark R. Yohalem (argued), Assistant United States Attorneys, Los Angeles, California, for Plaintiff-Appellee.

OPINION

PER CURIAM:

On February 26, 2014, the United States Supreme Court vacated our opinion at 676 F.3d 1202 and remanded the case to us for further proceedings consistent with its opinion. *United States v. Apel*, __ U.S. __, 134 S.Ct. 1144 (2014).

In light of the Supreme Court's decision, the judgment of the district court is **AFFIRMED**.

* The Honorable John R. Tunheim, United States District Judge for the District of Minnesota, sitting by designation.