

**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

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### 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.

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### 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**.

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