

FOR PUBLICATION

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MELVIN MARTINEZ-LOPEZ,
AKA Jorge Lopez, AKA
Melvin Miscael Martinez,
AKA Miguel Angel
Rodriguez, AKA Manuel
Rodriguez-Pena,
Defendant-Appellant.

No. 14-50014

D.C. No.
2:12-cr-00973-ABC-1

ORDER

Filed September 26, 2016

ORDER

THOMAS, Chief Judge:

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

Judge Ikuta did not participate in the deliberations or vote in this case.