

**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

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**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.