

FILED

NOV 19 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DEANDRE SPENCER COTTON,

Defendant-Appellant.

No. 17-10171

D.C. No.

2:15-cr-00094-LDG-VCF-1

District of Nevada,

Las Vegas

ORDER

Before: D.W. NELSON, W. FLETCHER, and BYBEE, Circuit Judges.

Judges D.W. Nelson and Bybee voted to grant the petition for panel rehearing and voted to vacate the memorandum disposition. Judge W. Fletcher voted to deny the petition for panel rehearing.

Judge W. Fletcher voted to deny the petition for rehearing en banc. Judges D.W. Nelson and Bybee recommended denying the petition for rehearing en banc as moot.

Appellant's petition for rehearing is **GRANTED**. The memorandum disposition filed on September 28, 2020, is **VACATED** pending *USA v. Figueroa-Beltran*, 16-10388, in this court. The petition for rehearing en banc is **DENIED** as moot.