

**FOR PUBLICATION**

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

DANIEL RAY, AKA Popeye, AKA  
Daniel T. Ray, AKA Daniel Thomas  
Ray,  
*Defendant-Appellant.*

No. 18-50115

D.C. No.  
5:17-cr-00159-  
PA-2

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

PATRICK JOHN BACON,  
*Defendant-Appellant.*

No. 18-50120

D.C. No.  
5:17-cr-00159-  
PA-1

ORDER

Filed September 4, 2020

**ORDER**

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that *United States v. Bacon*, No. 18-50120, be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion is vacated. The memorandum disposition is vacated with respect to *United States v. Bacon*, No. 18-50120. The mandate remains in effect with respect to *United States v. Ray*, No. 18-50115.