

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 14 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-50129

Plaintiff-Appellee,

D.C. No.

v.

3:20-cr-02914-LAB-1

CYNTHIA LEON MONTROYA,

Southern District of California,
San Diego

Defendant-Appellant.

ORDER

MURGUIA, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case 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.

Judges Owens and Bumatay did not participate in the deliberations or vote in this case.