

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2025

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30266

Plaintiff-Appellee,

D.C. No. 6:18-cr-00351-AA-1

v.

District of Oregon,

Eugene

KEITH ATHERTON, AKA Keith James
Atherton, AKA John Doe,

ORDER

Defendant-Appellant.

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 40(c) and Circuit Rule 40-3. The three-judge panel opinion is vacated.