

## APPENDIX B

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

MAR 14 2019

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

FRANK MARTINEZ,

Defendant-Appellant.

No. 18-50083

CR 16-390(A)-RGK-35

Central District of California

ORDER

Before: NELSON and CALLAHAN, Circuit Judges, and KORMAN,\* District Judge.

All judges vote to deny the petition for panel rehearing. Judge Callahan votes to deny the petition for rehearing en banc, and Judges Nelson and Korman so recommend. The full court has been advised of the petition for rehearing en banc, and no judge requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for panel rehearing and rehearing en banc, filed February 19, 2019, is DENIED.

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\* The Honorable Edward R. Korman, United States District Judge for the Eastern District of New York, sitting by designation.