

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 17 2019

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

MELVIN HODGES, Jr.,

No. 17-35408

Petitioner-Appellant,

D.C. No. 2:16-cv-01521-JLR
Western District of Washington,
Seattle

v.

UNITED STATES OF AMERICA,

ORDER

Respondent-Appellee.

Before: BERZON and HURWITZ, Circuit Judges, and DEARIE,* District Judge.

The panel has voted to deny the petition for panel rehearing. Judge Hurwitz voted to deny the petition for rehearing en banc, and Judge Dearie has so recommended. Judge Berzon voted to grant the petition for rehearing en banc.

The full court has been advised of the petition for panel rehearing or rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing or rehearing en banc is **DENIED**.

* The Honorable Raymond J. Dearie, United States District Judge for the Eastern District of New York, sitting by designation.