

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 4 2023

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

FRANKLIN PAUL ELLER, Jr.,

Defendant-Appellant.

No. 20-10425

D.C. Nos.

3:16-cr-08207-DGC-1

3:16-cr-08207-DGC

District of Arizona,

Prescott

ORDER

Before: BYBEE, OWENS, and COLLINS, Circuit Judges.

The panel has voted to deny the petition for panel rehearing. Judges Owens and Collins voted to deny the petition for rehearing en banc, and Judge Bybee so recommends.

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

The petition for panel rehearing and the petition for rehearing en banc are therefore DENIED.