

Appendix B

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 18 2023

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JACINTO VICTOR ALVAREZ, AKA
Jacinto Alvarez, AKA Jasinto Alvarez,

Defendant-Appellant.

No. 21-50088

D.C. No.

3:19-cr-05093-LAB-1

Southern District of California,
San Diego

ORDER

Before: M. SMITH and R. NELSON, Circuit Judges, and DRAIN,* District Judge.

The panel unanimously votes to deny the petition for panel rehearing.

Judges M. Smith and R. Nelson vote to deny the petition for rehearing en banc, and Judge Drain so recommends. The full court has been advised of the petition 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 petitions for panel rehearing and rehearing en banc are **DENIED**.

* The Honorable Gershwin A. Drain, United States District Judge for the Eastern District of Michigan, sitting by designation.