

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 16 2023

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
DAVID RIVERA,
Defendant-Appellant.

No. 21-50137

D.C. No.
3:19-cr-05151-AJB-1
Southern District of California,
San Diego

ORDER

Before: M. SMITH and DESAI, Circuit Judges, and AMON,* District Judge.

The panel has unanimously voted to deny the petition for panel rehearing.

Judges Smith and Desai have voted to deny the petition for rehearing en banc, and
Judge Amon so recommends.

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 the petition for rehearing en banc are
DENIED.

* The Honorable Carol Bagley Amon, United States District Judge for
the Eastern District of New York, sitting by designation.