

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.

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