

FILED

NOT FOR PUBLICATION

DEC 06 2010

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

PIERCE O'DONNELL,

Defendant - Appellee.

No. 09-50296

D.C. No. 2:08-cr-00872-SJO-1
Central District of California,
Los Angeles

ORDER

Before: GOODWIN, CANBY and FISHER, Circuit Judges.

The panel has voted to deny Appellee's petition for panel rehearing. Judge Fisher has voted to deny the petition for rehearing en banc, and Judges Goodwin and Canby so recommend.

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 petition for panel rehearing and petition for rehearing en banc, filed June 28, 2010, is **DENIED**.