

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CHARLES WESLEY ARLT,

Defendant-Appellant.

No. 97-50588

D.C. No. CR-91-00329-DT

**ORDER**

Filed December 28, 2000

**BEFORE:** SCHROEDER, Chief Judge.

Upon the vote of a majority of nonrecused regular active judges of this court, it is ordered that this case be heard by the en banc court pursuant to Circuit Rule 35-3.