

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. CARLOS DOMINGUEZ BENITEZ, aka Carlos Dominguez, <i>Defendant-Appellant.</i>
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No. 00-50181
D.C. No.
CR-99-00067-AHS-01
OPINION

On Remand from the United States Supreme Court

Filed August 19, 2004

Before: James R. Browning, Stephen Reinhardt, and
Richard C. Tallman, Circuit Judges.

Per Curiam Opinion

COUNSEL

Myra D. Mossman, Santa Barbara, California, for defendant-appellant Carlos Dominguez Benitez.

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John S. Gordon, United States Attorney, Ronald L. Cheng, Assistant United States Attorney, Wesley L. Hsu, Assistant United States Attorney, Los Angeles, California, for plaintiff-appellee United States of America.

OPINION

PER CURIAM:

Pursuant to the Supreme Court's decision in this case, *United States v. Dominguez Benitez*, No. 03-167, ___ U.S. ___, 124 S. Ct. 2333 (2004), overruling our decision, *United States v. Benitez*, 310 F.3d 1221 (9th Cir. 2003), we now AFFIRM appellant Carlos Dominguez Benitez's conviction. Our decision does not affect Benitez's right to file a petition for habeas corpus pursuant to 28 U.S.C. § 2255.

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