

**FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**AUG 25 2004**

**CATHY A. CATTERSON, CLERK**  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEVE NAVARRO-VARGAS,

Defendant - Appellant.

No. 02-50663

D.C. No. CR-02-01706-MLH

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ANTONIO LEON-JASSO,

Defendant - Appellant.

No. 03-50009

D.C. No.

CR-02-01479-BTM

ORDER

Before: SCHROEDER, Chief Judge:

Upon the vote of a majority of nonrecused regular active judges of this court,  
these cases are ordered reheard by the en banc court pursuant to Circuit Rule 35.3.

The three-judge panel opinion in No. 02-50663 shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

It is further ordered that these cases be consolidated for rehearing.