

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. RAYMOND TWINE, <i>Defendant-Appellant.</i>
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No. 03-10393  
D.C. No.  
CR-03-00174-WHA  
Northern District  
of California,  
San Francisco  
**AMENDED  
ORDER**

Filed March 26, 2004

Before: Mary M. Schroeder, Chief Judge,  
Michael Daly Hawkins and A. Wallace Tashima,  
Circuit Judges.

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**ORDER**

This amended Order supercedes the non-published Order filed February 24, 2004.

An active Judge sua sponte requested a vote on whether to rehear this case en banc, and the full court was advised of the sua sponte request. The parties submitted supplemental briefing advising the court of the merits of rehearing the case en banc, and Appellee, in its brief, requested rehearing en banc. The sua sponte request for a vote was then withdrawn. No other Judge requested a vote on whether to rehear the matter en banc. *See Fed. R. App. P. 35.* Rehearing en banc is DENIED.

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