

FOR PUBLICATION

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

HUMBERTO ALVAREZ-MACHAIN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA;
HECTOR BERELLEZ; BILL WATERS;
PETE GRUDEN; JACK LAWN;
ANTONIO GARATE-BUSTAMANTE;
FRANCISCO SOSA, and five unnamed
Mexican nationals currently in the federal
witness protection program,

Defendants-Appellees.

No. 99-56762

D.C. No. CV-93-04072-SVW-06

ORDER

HUMBERTO ALVAREZ-MACHAIN,

Plaintiff-Appellee,

v.

FRANCISCO SOSA, and five unnamed
Mexican nationals currently in the federal
witness protection program,

Defendants-Appellants.

No. 99-56880

D.C. No. CV-93-04072-SVW

ORDER

Filed March 20, 2002

BEFORE: SCHROEDER, Chief Judge.

Upon the vote of a majority of nonrecused regular active judges of this court,¹ it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion 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.

¹Judges Reinhardt and Trott were recused.