

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

STATE OF IDAHO,

Plaintiff-Appellant,

v.

LON T. HORIUCHI,

Defendant-Appellee.

No. 98-30149

D.C. No.

CR-97-00097-EJL

ORDER

Filed September 14, 2001

Before: Mary M. Schroeder, Chief Judge, and
Procter Hug, Jr., Alex Kozinski, Pamela Ann Rymer,
Andrew J. Kleinfeld, Michael Daly Hawkins,
Sidney R. Thomas, Barry G. Silverman, Susan P. Graber,
William A. Fletcher and Richard A. Paez, Circuit Judges.

ORDER

The motion of Appellant Lon T. Horiuchi to vacate the opinions previously entered is GRANTED, and IT IS HEREBY ORDERED that the opinion of the en banc court filed June 5, 2001, 253 F.3d 359 (9th Cir. 2001), the panel opinion filed June 14, 2000, 215 F.3d 986 (9th Cir. 2000), as well as the opinion and judgment of the district court entered May 14, 1998, CR-97-097-N-EJL (D. Id. May 14, 1998), be, and the same hereby are, VACATED as moot.

SO ORDERED.

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