

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. PETER CUNAG, aka Peter James Martinez, <i>Defendant-Appellant.</i>
---

No. 03-50067  
D.C. No.  
CR-01-01220-  
GHK-01  
Central District  
of California,  
Los Angeles  
ORDER

Filed August 31, 2004

Before: Cynthia Holcomb Hall, Stephen S. Trott, and  
Consuelo M. Callahan, Circuit Judges.

---

**ORDER**

The Opinion filed June 14, 2004, slip op. 7939, and appearing at 371 F.3d 1060 (9th Cir. 2004), is hereby ordered withdrawn. It may not be cited as precedent by or to this court or any district court of the Ninth Circuit. The case remains under submission, and a new opinion will be filed in the near future.

---

PRINTED FOR  
ADMINISTRATIVE OFFICE—U.S. COURTS  
BY WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted  
© 2004 by West, a Thomson Company.