

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 07 2008

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARCOS DIEGO-BARRERA,

Defendant - Appellant.

No. 05-50541

D.C. No. CR-05-00037-LAB
Southern District of California,
San Diego

ORDER

Before: D.W. NELSON, HAWKINS, and PAEZ, Circuit Judges.

The Petition for Rehearing is GRANTED in part. The Memorandum Disposition filed May 9, 2006, is WITHDRAWN. A new memorandum disposition is filed simultaneously with this order.

The Petition for Rehearing En Banc is DENIED as moot.