

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

**APR 24 2025**

**FOR THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

KEITH ATHERTON, AKA Keith James  
Atherton, AKA John Doe,

Defendant-Appellant.

No. 21-30266

D.C. No. 6:18-cr-00351-AA-1  
District of Oregon,  
Eugene

**ORDER**

**MURGUIA**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 40(c) and Circuit Rule 40-3. The three-judge panel opinion is vacated.