

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 5 2017

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BRYAN R. SCHWEDER,

Defendant-Appellant.

No. 16-10272

D.C. No.

2:11-cr-00449-KJM-1

Eastern District of California,

Sacramento

ORDER

Before: KOZINSKI and HURWITZ, Circuit Judges, and KEELEY,* District Judge.

This case is remanded to the district court for the sole purpose of conducting an evidentiary hearing to determine whether, at the times that acts giving rise to his conviction for conspiracy to manufacture marijuana occurred, Appellant had “strictly complied with all relevant conditions imposed by state law on the use, distribution, possession, and cultivation of medical marijuana.” *United States v. McIntosh*, 833 F.3d 1163, 1179 (9th Cir. 2016). The panel retains jurisdiction of this appeal pending receipt of the district court’s order addressing the remand and the parties are ordered to file that order with this Court when issued.

* The Honorable Irene M. Keeley, United States District Judge for the U.S. District Court for Northern District of West Virginia, sitting by designation.