

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**NO. 05-1587**

UNITED STATES OF AMERICA

v.

RASHID JIHAD, Appellant

Appeal from Judgment of Conviction and Sentence Entered in the District Court for the  
District of New Jersey at D.C. No. 04-CR-00108  
District Judge: The Honorable William J. Martini

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**Present:** SCIRICA, Chief Judge, VAN ANTWERPEN and ALDISERT,  
Circuit Judges.

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**ORDER SUR PETITION FOR PANEL REHEARING**

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The petition for panel rehearing filed by Appellant having been submitted to the judges who participated in the decision of this Court, it is ordered that the petition be and is hereby granted, that the panel opinion filed October 25, 2005 be and that same is hereby vacated, and that an amended not precedential opinion be prepared and filed, and that the petition for rehearing en banc is thereby denied as moot.

BY THE COURT:

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/s/ Ruggero J. Aldisert

Circuit Judge

**Dated: December 13, 2005**

**CMD/cc: John H. Yauch, Esq.**

**George S. Leone, Esq.**

**Caroline A. Sadlowski, Esq.**