

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-1698

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UNITED STATES OF AMERICA

v.

SEAN MICHAEL GRIER,  
Appellant

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On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
D.C. Criminal No. 03-cr-00284  
(Honorable Sylvia H. Rambo)

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Present: SCIRICA, Chief Judge,  
SLOVITER, McKEE, RENDELL, BARRY, AMBRO, FUENTES,  
SMITH, FISHER, VAN ANTWERPEN, and CHAGARES, Circuit Judges

**ORDER**

A majority of the active judges having voted for rehearing *en banc* in the above appeal, it is ordered that the petition for rehearing is GRANTED. The Clerk of this Court shall list the case for rehearing *en banc* at the convenience of the Court. The opinion and judgment entered June 7, 2006 and June 6, 2006, respectively are hereby vacated.

BY THE COURT,

/s/ Anthony J. Scirica  
Chief Judge

DATED: July 19, 2006

CMD/cc: Ronald A. Krauss, Esq.  
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Eric Pfisterer, Esq.  
Theodore B. Smith III, Esq.