

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-4997

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UNITED STATES OF AMERICA,  
Appellant

v.

WILLIAM TOMKO

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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
D.C. Criminal No. 04-cr-00108  
(Honorable Gary L. Lancaster)

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Present: SCIRICA, *Chief Judge*,  
SLOVITER, McKEE, RENDELL, BARRY, AMBRO, FUENTES,  
SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN and COWEN, *Circuit Judges*

**ORDER**

The Court, sua sponte, orders rehearing *en banc* in the above-captioned matter. It is ordered that the Clerk of this Court list the above case for rehearing *en banc* on Wednesday, November 19, 2008.

BY THE COURT,

/s/ Anthony J. Scirica  
*Chief Judge*

DATED: August 19, 2008