

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-4718

UNITED STATES OF AMERICA,

Appellant

v.

RUBEN MITCHELL

PRESENT: McKEE, Chief Judge, SLOVITER, SCIRICA, RENDELL, BARRY,
AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN,
GREENAWAY, JR. and VANASKIE, Circuit Judges

ORDER

A majority of the active judges have voted for rehearing *en banc* in the above appeal, it is ordered that the Clerk of Court list the above case for rehearing *en banc* at the convenience of the Court.

By the Court,

/s/ Theodore A. McKee

Chief Circuit Judge

Date: October 20, 2010