

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 17-1348 and 17-1349

UNITED STATES OF AMERICA

v.

DAVID THOMAS,
aka David Thompson,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2-15-cr-00370-001)
(D.C. No. 2-15-cr-00443-001)
District Court Judge: Honorable Gerald A. McHugh

Submitted Pursuant to Third Circuit L.A.R. 34.1(a) on
December 11, 2018

ORDER AMENDING OPINION

Before: SMITH, *Chief Judge*^{*}, McKEE and FISHER, *Circuit Judges*

The above appeals were consolidated for briefing and disposition. The opinion filed on August 8, 2019 addressed the claims presented in both appeals; however, the

^{*}Judge Smith was Chief Judge at the time this appeal was submitted. Judge Smith completed his term as Chief Judge and assumed senior status on December 4, 2021.

caption for No. 17-1349 was not included on the opinion and a separate judgment was not issued. The Clerk issued the mandate in No. 17-1348 on August 30, 2019.

The Clerk is directed to recall the mandate in No. 17-1348. An amended opinion will be issued in the appeals and judgment entered in No. 17-1349. The filing date for the judgment in No. 17-1348 will not be altered. The parties may file a petition for rehearing in the consolidated appeals within 14 days from the date of entry of the judgment in No. 17-1349.

By the Court,

s/ Theodore A. McKee
Circuit Judge

Date: October 31, 2022
cc: All Counsel of Record