

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 19-1250

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UNITED STATES,

v.

WAYNE JAMES

Appellant,

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(Crim No. 3-15-cr-00042-001)

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SUR PETITION FOR PANEL REHEARING  
AND REHEARING EN BANC

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Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN,  
HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS,  
PORTER, MATEY and PHIPPS, Circuit Judges

The petition for rehearing filed by **Appellant** in the above-entitled case having been submitted to the judges who participated in the decision of this Court and a majority of the judges who participated in the decision of the Court having voted for rehearing, it is hereby **ORDERED** that the petition for panel rehearing is **GRANTED**. The opinion and judgment filed January 23, 2020 are hereby **VACATED**. An amended opinion<sup>1</sup> and judgment will be filed contemporaneously with this order.

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<sup>1</sup> The majority has made changes to the language that appeared at pages 11-12 and 14 of the original opinion.

In light of the action taken by the panel, the En Banc Court has determined that no further action is required on the petition currently before it.

BY THE COURT,

s/Patty Shwartz  
Circuit Judge

Dated: April 3, 2020  
JK/cc: All Counsel of Record