

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-2151

UNITED STATES OF AMERICA

v.

KENNETH SMUKLER,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2-17-cr-00563-002)

SUR PETITION FOR PANEL REHEARING

Before: JORDAN, MATEY and ROTH, *Circuit Judges*.

The petition for panel rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court, it is hereby **ORDERED** that the petition for rehearing by the panel is **GRANTED**. The opinion and judgment entered on January 26, 2021, are hereby **VACATED**. An amended opinion and judgment will be filed contemporaneously with this order.

BY THE COURT,

s/ Paul B. Matey
Circuit Judge

DATED: March 19, 2021
PDB/cc: All Counsel of Record