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for the Third Circuit

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3-19-2021

## USA v. Kenneth Smukler

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 19-2151

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UNITED STATES OF AMERICA

v.

KENNETH SMUKLER,  
Appellant

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

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SUR PETITION FOR PANEL REHEARING

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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