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1-18-2019

## USA v. Thomasine Tynes

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

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No. 14-4804

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UNITED STATES OF AMERICA

v.

THOMASINE TYNES,  
Appellant

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(E. D. Pa. Criminal No. 2-13-cr-00039-005)

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SUR PETITION FOR REHEARING

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Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN,  
HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE,  
RESTREPO, BIBAS, PORTER, NYGAARD, and FISHER\* Circuit Judges

The petition for rehearing en banc filed by appellant Thomasine Tynes in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing,

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\* Pursuant to Third Circuit I.O.P. 9.5.3, Judge Richard L. Nygaard's and Judge D. Michael Fisher's votes are limited to panel rehearing.

and a majority of the circuit judges of the circuit in regular service not having voted for rehearing, the petition for rehearing en banc is DENIED.

The petition for rehearing by the panel is GRANTED IN PART, solely as to the claim that there was insufficient evidence to support Tynes' conviction.

After consideration of Appellant's argument, the panel has agreed to amend the opinion, which will be filed simultaneously with this order in all of the consolidated cases. Each of the judgments entered August 21, 2018, shall remain in full force and effect.

BY THE COURT,

s/ Richard L. Nygaard  
Circuit Judge

Dated: January 18, 2019  
PDB/CLW/cc: All Counsel of Record