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USA v. Kenneth Douglas

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 15-1754

UNITED STATES OF AMERICA

v.

KENNETH R. DOUGLAS,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania

(District Court No: 2-09-cr-00105-009)

ORDER SUR PETITION
FOR REHEARING EN BANC

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

A majority of the active judges having voted for rehearing en banc in the above captioned case, it is ordered that the petition for rehearing is GRANTED. The Court en banc shall hear oral argument limited to the application of the enhancement for an abuse of position of trust under U.S.S.G. § 3B1.3. The Clerk of this Court shall list the case for rehearing en banc on Wednesday October 18, 2017 at a time that is convenient to the Court. The opinion and judgment entered February 22, 2017, are hereby vacated.

BY THE COURT,

s/ D. Brooks Smith

Chief Judge

Dated: June 2, 2017

tmm/cc: Rebecca R. Haywood Esq.

Michael L. Ivory, Esq.

Arnold P. Bernard, Jr., Esq.