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2022 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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10-31-2022

## USA v. David Thomas

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 17-1348 and 17-1349

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UNITED STATES OF AMERICA

v.

DAVID THOMAS,  
aka David Thompson,  
Appellant

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. No. 2-15-cr-00370-001)  
(D.C. No. 2-15-cr-00443-001)  
District Court Judge: Honorable Gerald A. McHugh

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Submitted Pursuant to Third Circuit L.A.R. 34.1(a) on  
December 11, 2018

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ORDER AMENDING OPINION

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Before: SMITH, *Chief Judge*<sup>\*</sup>, McKEE and FISHER, *Circuit Judges*

The above appeals were consolidated for briefing and disposition. The opinion filed on August 8, 2019 addressed the claims presented in both appeals; however, the

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<sup>\*</sup>Judge Smith was Chief Judge at the time this appeal was submitted. Judge Smith completed his term as Chief Judge and assumed senior status on December 4, 2021.

caption for No. 17-1349 was not included on the opinion and a separate judgment was not issued. The Clerk issued the mandate in No. 17-1348 on August 30, 2019.

The Clerk is directed to recall the mandate in No. 17-1348. An amended opinion will be issued in the appeals and judgment entered in No. 17-1349. The filing date for the judgment in No. 17-1348 will not be altered. The parties may file a petition for rehearing in the consolidated appeals within 14 days from the date of entry of the judgment in No. 17-1349.

By the Court,

s/ Theodore A. McKee  
Circuit Judge

Date: October 31, 2022  
cc: All Counsel of Record