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States Court of Appeals  
for the Third Circuit

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11-21-2018

## USA v. Terrence Byrd

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 16-1509

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UNITED STATES OF AMERICA

v.

TERRENCE BYRD,  
Appellant

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On Appeal from the District Court  
for the Middle District of Pennsylvania  
(M.D. Pa. Crim. No. 1-14-cr-00321-001)  
Honorable William W. Caldwell, U.S. District Judge

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On Remand from the Supreme Court of the United States  
on June 15, 2018  
Submitted on Remand Under Third Circuit L.A.R. 34.1(a)  
on June 18, 2018

Before: FISHER<sup>1</sup>, KRAUSE and MELLOY<sup>2</sup>, *Circuit Judges*

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ORDER

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The petition for 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**. Pursuant to 3d

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<sup>1</sup> Honorable D. Michael Fisher, United States Circuit Judge for the Third Circuit, assumed senior status on February 1, 2017.

<sup>2</sup> Honorable Michael J. Melloy, Senior Circuit Judge, United States Court of Appeals for the Eighth Circuit, sitting by designation.

Cir. I.O.P. 8.3.1, the panel's previous non-precedential opinion filed August 8, 2018 is hereby VACATED. The panel is issuing an opinion and accompanying judgment contemporaneously with this order.

By the Court,

s/ Cheryl Ann Krause

Circuit Judge

DATED: November 21, 2018  
PDB/cc: All Counsel of Record