

PUBLISH

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

FILED
United States Court of Appeals
Tenth Circuit

September 3, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA JAMES MJONESS,

Defendant - Appellant.

No. 20-8029
(D.C. No. 2:19-CR-00170-ABJ-1)
(D. Wyo.)

ORDER

Before **TYMKOVICH**, Chief Judge, **KELLY**, and **McHUGH**, Circuit Judges.

This matter is before us on Appellant's *Petition for Panel Rehearing and Rehearing En Banc*. We also have a response from Appellee. Having carefully considered the petition, the response, and the filings in this appeal, we direct as follows.

Appellant's request for panel rehearing is denied pursuant to Fed. R. App. P. 40.

The petition for rehearing *en banc* was transmitted to all judges of the court who are in regular active service. As no member of the panel and no judge in regular active service requested that the court be polled, Appellant's request for rehearing *en banc* is denied pursuant to Fed. R. App. P. 35(f).

Finally, we *sua sponte* direct the Clerk of Court to withdraw our July 13, 2021 published opinion and replace it with an identical unpublished order and judgment effective *nunc pro tunc* to the date the original opinion was filed.

Entered for the Court,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal flourish extending to the right.

CHRISTOPHER M. WOLPERT, Clerk