

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-1509

UNITED STATES OF AMERICA

v.

TERRENCE BYRD,
Appellant

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

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: FISHER¹, KRAUSE and MELLOY², *Circuit Judges*

ORDER

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

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

² 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Cir. I.O.P. 8.3.1, the panel's previous non-precedential opinion filed August 8, 2018 is hereby VACATED.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