

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-1262

UNITED STATES OF AMERICA

v.

RICHIE WHEELER,
Appellant

(D.N.J. No. 2-18-cr-00485-001)

SUR PETITION FOR REHEARING

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

The petition for rehearing filed by Appellant in the above-captioned case having been submitted to the judges who participated in the decision, it is hereby **ORDERED** that the petition for rehearing by the panel is **GRANTED**. The opinion and judgment filed October 8, 2020, are hereby **VACATED**. A subsequent opinion and judgment are herewith issued.

The panel has made changes to the language that appeared at pages 2–5 of the original opinion.

A majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the Court en banc is **DENIED**.

By the Court,

s/ Stephanos Bibas
Circuit Judge

Dated: November 20, 2020
DWB/arr/cc: MEC; MSL; RBG