

United States Court of Appeals For the First Circuit

No. 15-1542

UNITED STATES,

Appellee,

v.

JOSEPH BURHOE, a/k/a Jo Jo,

Defendant, Appellant.

No. 15-1612

UNITED STATES,

Appellee,

v.

JOHN PERRY,

Defendant, Appellant.

Before
Torruella, Kayatta, and Barron,
Circuit Judges.

ORDER OF COURT
Entered: December 21, 2017

The government's petition for panel rehearing, filed November 20, 2017, is denied. We clarify that our opinion issued on September 8, 2017 does not address the merits of "the alternative legal theory that if the pursuit of unwanted and superfluous work were a legitimate labor objective (as we hold in this appeal), then force, violence, or fear (including fear of economic loss) may not be used to obtain that objective," because the government waived that theory. United States v. Burhoe, 871 F.3d 1, 21 n.17 (1st Cir. 2017).

By the Court:
/s/ Margaret Carter, Clerk

cc:

Hon. Denise Jefferson Casper
Robert Farrell, Clerk, United States District Court for the District of Massachusetts
Miriam Conrad
Judith H. Mizner
Joseph Burhoe
Christine DeMaso
Timothy E. Moran
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