

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 16<sup>th</sup> day of February, two thousand twelve.

PRESENT: DENNIS JACOBS,  
Chief Judge,  
GUIDO CALABRESI,  
ROSEMARY S. POOLER,  
Circuit Judges.

- - - - -X  
UNITED STATES OF AMERICA,  
Appellee,

-v.-

11-1126

SERGEY ALEYNIKOV,  
Defendant-Appellant.  
- - - - -X

Upon due consideration, it is hereby **ORDERED, ADJUDGED AND DECREED** that the judgment of conviction is **REVERSED** on both counts and the matter is remanded to the district court for entry of a judgment of acquittal. An opinion shall follow in due course. The mandate shall issue forthwith.

FOR THE COURT:  
CATHERINE O'HAGAN WOLFE, CLERK

  
Catherine O'Hagan Wolfe

