

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 18-3305 & 19-1011

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UNITED STATES OF AMERICA

v.

DAVID T. SHULICK,  
Appellant

On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(E.D. Pa. Criminal No. 2-16-cr-00428-001)  
District Judge: Honorable Harvey Bartle, III

**SUR PETITION FOR REHEARING**

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

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 and to all the other available circuit judges of the circuit in regular active service, and 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.

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\* Judge Fisher's vote is limited to panel rehearing only.

It is hereby ordered that the petition for rehearing by the panel is granted in part. The judges who participated in the decision of this Court will issue an amended opinion and judgment.

BY THE COURT,

s/ D. Michael Fisher  
Circuit Judge

Dated: September 16, 2021

cc: Michael T. Donovan, Esq.  
Christopher J. Mannion, Esq.  
Robert A. Zauzmer, Esq.  
Hope C. Lefeber, Esq.  
Lisa A. Mathewson, Esq.