

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

United States v. Richie Wheeler

No. No. 20-1262, United States Court of Appeals for the Third Circuit (November 20, 2020)

SUMMARY

In this unpublished Third Circuit criminal case, the panel granted the appellant's petition for rehearing, vacated its prior October 8, 2020 opinion and judgment, and issued a new opinion with changes to pages 2–5. The court en banc denied rehearing. Key procedural topics: rehearing granted, prior opinion vacated, new opinion substituted; substantive issues not addressed in this order.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	SMITH; McKEE; AMBRO; CHAGARES; JORDAN; HARDIMAN; GREENAWAY, JR.; SHWARTZ; KRAUSE; RESTREPO; BIBAS; MATEY; PHIPPS
JURISDICTION	Federal
DECIDED	November 20, 2020
DOCKET	No. 20-1262
DISPOSITION	other
PROCEDURAL POSTURE	Petition for rehearing from a prior panel decision
PRECEDENTIAL VALUE	Unpublished
PARTIES	Richie Wheeler v. United States of America

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

Criminal Law

Appellate Practice

PROCEDURAL HISTORY

The panel previously issued an opinion and judgment on October 8, 2020. Appellant filed a petition for rehearing. The panel granted rehearing, vacated the prior opinion and judgment, and issued a subsequent opinion and judgment. The full court denied rehearing en banc.

DISPOSITION

other

OPINION

PER CURIAM.

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