

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 17-2947

William E. Smith

Appellant

v.

Scott R. Frakes

Appellee

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Appeal from U.S. District Court for the District of Nebraska - Lincoln  
(4:16-cv-03162-RGK)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Grasz did not participate in the consideration or decision of this matter.

May 15, 2018

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans