

934 F.3d 840

United States Court of Appeals, Eighth Circuit.

UNITED STATES of America Plaintiff - Appellee

v.

Timothy O'LAUGHLIN Defendant - Appellant

No. 18-2473

Submitted: April 17, 2019

Filed: August 19, 2019

Rehearing and Rehearing En
Banc Denied October 31, 2019

Appeal from United States District Court for the Western
District of Missouri - Southern Division

Attorneys and Law Firms

Cynthia Jean Hyde, Assistant U.S. Attorney, U.S. Attorney's
Office, Shane Patrick McCullough, Christina Leigh Scofield,
U.S. Medical Center for Federal Prisoners, Springfield, MO,
for Plaintiff-Appellee.

David Randolph Mercer, Assistant Federal Public Defender,
Federal Public Defender's Office, Springfield, MO, Timothy
O'Laughlin, Rochester, MN, pro se, for Defendant-
Appellant.

Before SHEPHERD, MELLOY, and GRASZ, Circuit Judges.

Opinion

GRASZ, Circuit Judge.

Timothy O'Laughlin argues the district court¹ erred in denying his motion under 18 U.S.C. § 4247(h). Specifically, he claims to have a Sixth Amendment and statutory right to proceed pro se when seeking discharge from a civil commitment in a proceeding under § 4247(h). But the Sixth Amendment applies only in "criminal prosecutions," U.S. Const., amend VI, and a civil commitment is not a criminal prosecution. And the specific requirements of § 4247(h) control over the general statutory right to proceed pro se. We affirm.

O'Laughlin was civilly committed pursuant to 18 U.S.C. § 4246. He appealed his commitment, and this court affirmed.

United States v. O'Laughlin, 695 F. App'x 172 (8th Cir. 2017) (unpublished). Approximately six months later, he filed two pro se requests for hearings to petition for release. These requests were taken as invocations of 18 U.S.C. § 4247(h). Section 4247(h) requires such motions to be filed by an attorney or legal guardian for the *841 committed person. The district court denied O'Laughlin's motions for failure to meet the statutory requirements because his requests were filed pro se. Represented by counsel on appeal, he argues the requirements of § 4247(h) violate his right to self-representation under the Sixth Amendment and 28 U.S.C. § 1654.

We review O'Laughlin's constitutional and statutory challenge de novo. *See United States v. Henriques*, 698 F.3d 673, 674 (8th Cir. 2012).

O'Laughlin argues the Sixth Amendment right to proceed pro se in criminal prosecutions, *see Fareta v. California*, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975), extends to civil commitment proceedings because being civilly confined to the Federal Bureau of Prison's medical facility is essentially incarceration. Thus, he argues, he is entitled to proceed pro se in § 4247(h) motions and proceedings. This appears to be a matter of first impression in this circuit.

The Supreme Court has held, in the context of a Due Process Clause challenge, that civil commitments are distinct from criminal prosecutions. *See Addington v. Texas*, 441 U.S. 418, 428, 99 S.Ct. 1804, 60 L.Ed.2d 323 (1979) ("In a civil commitment state power is not exercised in a punitive sense. ... [A] civil commitment proceeding can in no sense be equated to a criminal prosecution."); *see also United States v. Veltman*, 9 F.3d 718, 721 (8th Cir. 1993) (holding the standard for waiving the statutory right to counsel in a civil commitment is "less exacting" than for waiving the Sixth Amendment right to counsel in a criminal prosecution). Civil commitment involves a loss of liberty, to be sure. But rather than imposing a punitive sentence upon criminal conviction, the civil commitment process provides for release once the individual is no longer a danger to others. *See* 18 U.S.C. § 4246(e). Following the logic of the Supreme Court in *Addington*, 441 U.S. at 428, 99 S.Ct. 1804, we hold a civil commitment proceeding under § 4246 is not a criminal prosecution for purposes of the Sixth Amendment. We thus conclude the district court did not err in denying O'Laughlin's § 4247(h) motion.

O'Laughlin also argues he is entitled to proceed pro se by 28 U.S.C. § 1654, which generally allows for self-representation in all proceedings in federal court. But under the well-established rule of statutory interpretation that specific statutory language controls over more general provisions, *see RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645, 132 S.Ct. 2065, 182 L.Ed.2d 967 (2012), the general rule of 28 U.S.C. § 1654 must give way to the specific requirement of 18 U.S.C. § 4247(h) that motions for

release from civil commitment be filed by an attorney or legal guardian for the committed person.

For the foregoing reasons, we affirm.²

All Citations

934 F.3d 840 (Mem)

Footnotes

- 1 The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.
- 2 Because O'Laughlin only argues he has a Sixth Amendment constitutional right to proceed pro se in a civil commitment proceeding, our holding is limited to the Sixth Amendment. We need not decide whether there is a constitutional right to proceed pro se under the Due Process Clauses of the Fifth and Fourteenth Amendments.

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

No: 18-2473

United States of America

Appellee

v.

Timothy O'Laughlin

Appellant

Appeal from U.S. District Court for the Western District of Missouri - Springfield
(6:15-cv-03419-MDH)

ORDER

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

October 31, 2019

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

/s/ Michael E. Gans

PACER fee: Exempt

**General Docket
Eighth Circuit Court of Appeals**

Court of Appeals Docket #: 18-2473**Docketed:** 07/10/2018**Nature of Suit:** 1890 Other Statutory Actions**Termed:** 08/19/2019

United States v. Timothy O'Laughlin

Appeal From: U.S. District Court for the Western District of Missouri - Springfield**Fee Status:** In Forma Pauperis**Case Type Information:**

- 1) Civil
- 2) United States as a party
- 3) null

Originating Court Information:**District:** 0866-6 : 6:15-cv-03419-MDH**Court Reporter:** Lissa C. Whittaker, Court Reporter**Trial Judge:** M. Douglas Harpool, District Judge**Magistrate:** David P. Rush, U.S. Magistrate Judge**Date Filed:** 09/25/2015**Date Order/Judgment:**

07/02/2018

Date NOA Filed:

07/09/2018

Date Rec'd COA:

07/09/2018

Prior Cases:

None

Current Cases:

None

United States of America
Plaintiff - Appellee

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U.S. MEDICAL CENTER FOR FEDERAL PRISONERS

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v.

Timothy O'Laughlin (Federal Prisoner: 27778-044)
Defendant - Appellant

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Timothy O'Laughlin

[NTC Pro Se]

U.S. MEDICAL CENTER FOR FEDERAL PRISONERS

































United States of America

Plaintiff - Appellee

v.

Timothy O'Laughlin


























Defendant - Appellant

- 07/10/2018   Civil case docketed. [4680859] [18-2473] (CMH) [Entered: 07/10/2018 05:08 PM]
5 pg, 29.78 KB
- 07/10/2018   Originating court document filed consisting of notice of appeal, docket entries, ****SEALED**** Report & Recommendations dated 6/11/2018, ****SEALED**** Order dated 7/2/2018. [4680863] [18-2473] (CMH) [Entered: 07/10/2018 05:16 PM]
12 pg, 1.97 MB
- 07/10/2018   CLERK ORDER: The Federal Public Defender is hereby appointed to represent appellant in this case. [4680864] [18-2473] (CMH) [Entered: 07/10/2018 05:17 PM]
1 pg, 8.86 KB
- 07/10/2018   BRIEFING SCHEDULE SET AS FOLLOWS:
Transcript due on or before 08/20/2018. Appendix due 08/29/2018. BRIEF APPELLANT, Timothy O'Laughlin due 08/29/2018
Appellee brief is due 30 days from the date the court issues the Notice of Docket Activity filing the brief of appellant.
Appellant reply brief is due 14 days from the date the court issues the Notice of Docket Activity filing the appellee brief. [4680866] [18-2473] (CMH) [Entered: 07/10/2018 05:19 PM]
2 pg, 17.02 KB
- 07/12/2018   APPEARANCE filed by Cynthia J. Hyde for Appellee United States of America w/service 07/12/2018 [4681800] [18-2473] (CJH) [Entered: 07/12/2018 01:31 PM]
1 pg, 83.48 KB
- 07/13/2018   APPEARANCE filed by David R. Mercer for Appellant Mr. Timothy O'Laughlin w/service 07/13/2018 [4682167] [18-2473] (DRM) [Entered: 07/13/2018 10:49 AM]
1 pg, 48.36 KB
- 07/31/2018  RECORD FILED - SEALED TRANSCRIPT, 1 volumes, Location STL, Comments: Transcript of Hearing on Section 4246 Petition [Copy do not return to the District Court at end of case], Source Location: USDC / WMS, Dt. of Proceeding/Hearing: 07/12/2016 [4688170] [18-2473] (STL) [Entered: 07/31/2018 09:35 AM]
- 08/28/2018   MOTION for extension of time to file brief until 09/12/2018, filed by Appellant Mr. Timothy O'Laughlin filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Timothy O'Laughlin w/service 08/28/2018. [4698810] [18-2473]--[Edited 08/29/2018 by JMM] (DRM) [Entered: 08/28/2018 01:19 PM]
3 pg, 217.13 KB
- 08/29/2018   CLERK ORDER: [4698810-2] Granting motion for extension of time to file brief filed by Mr. David Randolph Mercer and Appellant Mr. Timothy O'Laughlin. Brief of Timothy O'Laughlin due 09/12/2018. Appendix due on 09/12/2018. [4699138] [18-2473] (JMM) [Entered: 08/29/2018 07:55 AM]
1 pg, 8.83 KB
- 09/12/2018   MOTION for extension of time to file brief until 09/26/2018, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Timothy O'Laughlin w/service 09/12/2018. [4703765] [18-2473] (DRM) [Entered: 09/12/2018 09:17 AM]
3 pg, 217.23 KB
- 09/13/2018   CLERK ORDER: Granting [4703765-2] motion for extension of time to file brief filed by Mr. David Randolph Mercer. Brief of Timothy O'Laughlin due 09/26/2018. Appendix due on 09/26/2018. [4704255] [18-2473] (JMM) [Entered: 09/13/2018 07:39 AM]
1 pg, 8.8 KB
- 09/25/2018   MOTION for extension of time to file brief until 10/10/2018, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Timothy O'Laughlin w/service 09/25/2018. [4708668] [18-2473] (DRM) [Entered: 09/25/2018 10:04 AM]
3 pg, 217.48 KB
- 09/25/2018   CLERK ORDER: Granting [4708668-2] motion for extension of time to file brief filed by Mr. David Randolph Mercer. Brief of Timothy O'Laughlin due 10/10/2018. Appendix due on 10/10/2018. [4708699] [18-2473] (JMM) [Entered: 09/25/2018 10:40 AM]
1 pg, 8.83 KB
- 10/09/2018   MOTION to seal brief, addendum and appendix, filed by Appellant Mr. Timothy O'Laughlin w/service 10/09/2018. [4713336] [18-2473] (JMM) [Entered: 10/09/2018 01:25 PM]
4 pg, 137.81 KB
- 10/09/2018   CLERK ORDER: [4713336-2] Granting motion to seal filed by Appellant Mr. Timothy O'Laughlin. The Court is hereby sealing the following: APPELLANT'S BRIEF, ADDENDUM AND JOINT APPENDIX. COUNSEL SHALL SUBMIT 10 PAPER COPIES OF THE SEALED BRIEF AND ADDENDUM WITHIN FIVE DAYS AND A CD IS REQUIRED ALONG WITH THE PAPER COPIES. [4713344] [18-2473] (JMM) [Entered: 10/09/2018 01:32 PM]
1 pg, 9 KB
- 10/09/2018  **SEALED BRIEF FILED - APPELLANT SEALED BRIEF** filed by Mr. Timothy O'Laughlin. w/service 10/09/2018, Length: 15 pages
10 COPIES OF PAPER BRIEFS (WITHOUT THE APPELATE PDF FOOTER) AND CD FROM Timothy O'Laughlin due 10/15/2018 WITH certificate of service for paper briefs.
THIS BRIEF WAS FILED UNDER SEAL AND IS NOT AVAILABLE ON PACER. THE APPELLEE BRIEF DEADLINE WILL BE SET UPON THE DATE OF CERTIFICATE OF SERVICE OF PAPER COPIES. [4713354] [18-2473] (JMM) [Entered: 10/09/2018 01:44 PM]
- 10/09/2018  **SEALED ADDENDUM** of APPELLANT FILED by Appellant Mr. Timothy O'Laughlin, w/service 10/09/2018. THIS ADDENDUM WAS FILED UNDER SEAL AND IS NOT AVAILABLE ON PACER. [4713358] [18-2473] (JMM) [Entered: 10/09/2018 01:46 PM]
- 10/09/2018  RECORD FILED - SEALED JOINT APPENDIX, 1 volumes, Location ST LOUIS, MO, Comments: 3

































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COPIES

[4713361] [18-2473] (JMM) [Entered: 10/09/2018 01:47 PM]

- 10/11/2018  Paper copies Appellant/Petitioner SEALED Brief, [4713354-2] filed by Mr. Timothy O'Laughlin 10 copies paper copies received. w/Addendum attached [4714858] [18-2473]--[Edited 10/15/2018 by CMD] (CMD) [Entered: 10/12/2018 10:24 AM]
- 10/15/2018  PUBLIC DOCKET NOTE: The due date for appellee's brief is set for November 5, 2018. [18-2473] (CMD) [Entered: 10/15/2018 09:39 AM]
- 11/01/2018   3 pg, 72.99 KB MOTION for extension of time to file brief until 11/15/2018, filed by Attorney Ms. Cynthia Jean Hyde for Appellee United States of America w/service 11/01/2018. [4721666] [18-2473] (CJH) [Entered: 11/01/2018 10:13 AM]
- 11/02/2018   1 pg, 8.75 KB CLERK ORDER:Granting [4721666-2] motion for extension of time to file brief filed by Ms. Cynthia Jean Hyde. Brief of United States of America due 11/15/2018. [4722214] [18-2473] (JMM) [Entered: 11/02/2018 08:56 AM]
- 11/15/2018   4 pg, 156.9 KB MOTION to seal entire brief, filed by Appellee United States of America filed by Attorney Ms. Cynthia Jean Hyde for Appellee United States of America w/service 11/14/2018. [4727279] [18-2473] (JMM) [Entered: 11/19/2018 11:30 AM]
- 11/19/2018   1 pg, 8.9 KB CLERK ORDER: [4727279-2] Granting motion to seal filed by Ms. Cynthia Jean Hyde and Appellee United States of America. The Court is hereby sealing the following: appellee brief. The appellee shall submit 10 paper copies of the sealed brief within five days and that a CD is required along with the paper copies. [4727284] [18-2473] (JMM) [Entered: 11/19/2018 11:34 AM]
- 11/19/2018  **SEALED BRIEF FILED - APPELLEE SEALED BRIEF** filed by United States of America, Appellant's reply brief deadline will be set, based on the Certificate of Service in appellee's paper brief. w/service 11/15/2018 , Length: 20 pages
10 COPIES OF PAPER BRIEFS (WITHOUT THE APPELLATE PDF FOOTER) AND CD FROM United States of America due 11/26/2018 WITH certificate of service for paper briefs. THIS BRIEF WAS FILED UNDER SEAL AND IS NOT AVAILABLE ON PACER. [4727291] [18-2473] (JMM) [Entered: 11/19/2018 11:39 AM]
- 11/27/2018  Sealed Paper copies Appellee/Respondent brief, [4727291-2] filed by United States of America 10 paper copies received.
Based on the certificate of service in the appellee brief the Reply brief of Timothy O'Laughlin due 11/28/2018 [4729817] [18-2473]--[Edited 11/28/2018 by CAH] (JMM) [Entered: 11/27/2018 02:32 PM]
- 11/28/2018   4 pg, 214.04 KB MOTION for extension of time to file brief until 12/07/2018, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Timothy O'Laughlin w/service 11/28/2018. [4730414] [18-2473] (DRM) [Entered: 11/28/2018 01:57 PM]
- 11/28/2018   1 pg, 8.81 KB CLERK ORDER:Granting [4730414-2] motion for extension of time to file brief filed by Mr. David Randolph Mercer. Reply brief of Timothy O'Laughlin due 12/07/2018 [4730452] [18-2473] (JMM) [Entered: 11/28/2018 02:20 PM]
- 12/03/2018  Please note that this case has been screened for oral argument. The exact date of your oral argument has not been determined at this time. You will be receiving a calendar approximately 4 weeks before the scheduled argument date. Please review the current and future argument dates immediately to determine if you have any conflicts.
- [Click Here to View Published Argument Calendars and Future Court Session Dates and Locations](#)
- If you do have conflicts with any of the argument dates, please inform this court by sending a letter using the ECF docketing event 'Correspondence to Court', 'Letter filed' 'regarding availability for oral argument'. Your compliance with this policy will minimize the need for motions to continue or reschedule oral argument. The court also encourages you to notify the clerk if conflicts with these dates develop in the future. The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. [4731811] [18-2473] (BWB) [Entered: 12/03/2018 08:41 AM]
- 12/04/2018   4 pg, 214.07 KB MOTION for extension of time to file brief until 12/18/2018, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Timothy O'Laughlin w/service 12/04/2018. [4732563] [18-2473] (DRM) [Entered: 12/04/2018 11:35 AM]
- 12/04/2018   1 pg, 8.84 KB CLERK ORDER:Granting [4732563-2] motion for extension of time to file brief filed by Mr. David Randolph Mercer. Reply brief of Timothy O'Laughlin due 12/18/2018 [4732735] [18-2473] (JMM) [Entered: 12/04/2018 02:41 PM]
- 12/18/2018   4 pg, 135.64 KB MOTION to seal entire reply brief, filed by Appellant Mr. Timothy O'Laughlin w/service 12/18/2018. [4737488] [18-2473] (JMM) [Entered: 12/18/2018 02:29 PM]
- 12/18/2018   1 pg, 9.01 KB CLERK ORDER: [4737488-2] Granting motion to seal filed by Appellant Mr. Timothy O'Laughlin. The Court is hereby sealing the following: Appellant's reply brief [4737489] [18-2473] (JMM) [Entered: 12/18/2018

02:31 PM]

- 12/18/2018  **SEALED BRIEF FILED - APPELLANT REPLY BRIEF** filed by Mr. Timothy O'Laughlin. w/service 12/18/2018 , Length: 9 pages
10 COPIES OF PAPER BRIEFS (WITHOUT THE APPELLATE PDF FOOTER) FROM Timothy O'Laughlin due 12/26/2018 WITH certificate of service for paper briefs. Counsel has submitted the electronic version (CD) of sealed brief to the court this date.
[4737494] [18-2473] (JMM) [Entered: 12/18/2018 02:38 PM]
- 12/27/2018  Paper copies Reply brief, [4737494-2] filed by Mr. Timothy O'Laughlin 10 paper copies received.
[4740271] [18-2473] (JMM) [Entered: 12/27/2018 02:40 PM]
- 03/14/2019  **SET FOR ARGUMENT - CASE PLACED ON CALENDAR - for Argument in St. Louis on Wednesday, April 17, 2019.** To be heard before **Judges Bobby E. Shepherd, Michael J. Melloy and L. Steven Grasz in Division IV.** The courtroom deputy will be Linda Dahm. All attorneys presenting oral argument must complete a Response Form. [Click Here to Complete the Oral Argument Response Form.](#) [Click Here for the Complete Calendar](#)
PLEASE REVIEW THE ENTIRE CALENDAR CAREFULLY, PARTICULARLY THE COUNSEL NOTICE PAGE. *If you are appointed counsel under the Criminal Justice Act and require airline transportation to oral argument, the court will issue a travel authorization the next business day.* [4766966] [18-2473] (TAB) [Entered: 03/14/2019 04:12 PM]
- 03/14/2019   DOCUMENT FILED - Pro se communication regarding appointed counsel filed by Mr. Timothy O'Laughlin. w/service 03/20/2019 [4768916] [18-2473] (JMM) [Entered: 03/20/2019 01:37 PM]
3 pg, 253.96 KB
- 03/15/2019   ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. David Randolph Mercer for Mr. Timothy O'Laughlin for argument in April, at the U.S. Courthouse in St. Louis, Missouri. [4767044] [18-2473] (DRM) [Entered: 03/15/2019 08:43 AM]
1 pg, 103.43 KB
- 03/18/2019   ARGUMENT RESPONSE/APPEARANCE FORM filed by Ms. Cynthia Jean Hyde for United States of America for argument in April, at the U.S. Courthouse in St. Louis, Missouri. [4767442] [18-2473] (CJH) [Entered: 03/18/2019 08:08 AM]
1 pg, 86.88 KB
- 04/05/2019   DOCUMENT FILED - misc document filed by Mr. Timothy O'Laughlin. no action taken [4776366] [18-2473] (JMM) [Entered: 04/10/2019 03:16 PM]
2 pg, 374.3 KB
- 04/17/2019  **ARGUED & SUBMITTED in St. Louis** to Judges Bobby E. Shepherd, Michael J. Melloy, L. Steven Grasz on 4/17/2019. Mr. David Randolph Mercer for Appellant Mr. Timothy O'Laughlin and Ms. Cynthia Jean Hyde for Appellee United States of America. Rebuttal by Mr. David Randolph Mercer for Mr. Timothy O'Laughlin RECORDED. [Click Here To Listen to Oral Argument](#) [4778707] [18-2473]--[Edited 04/30/2019 by TAB] (LAD) [Entered: 04/17/2019 01:30 PM]
- 05/13/2019   DOCUMENT FILED - Appellant's notice of address change to: Federal Medical Center, PMB 4000, Rochester, MN 55903 filed by Mr. Timothy O'Laughlin. w/service 05/20/2019 [4789069] [18-2473] (JMM) [Entered: 05/20/2019 10:22 AM]
3 pg, 113.61 KB
- 06/07/2019   DOCUMENT FILED - misc filing from appellant filed pro se filed by Mr. Timothy O'Laughlin. w/service 06/12/2019. No action taken at this time. [4797060] [18-2473] (JMM) [Entered: 06/12/2019 03:43 PM]
3 pg, 538.52 KB
- 06/14/2019   DOCUMENT FILED - lettter to the court regarding misc matters filed by Mr. Timothy O'Laughlin. w/service 06/14/2019 [4798032] [18-2473] (JMM) [Entered: 06/14/2019 02:19 PM]
3 pg, 346.62 KB
- 06/21/2019   MOTION for release on bond pending appeal., filed pro se by Appellant Mr. Timothy O'Laughlin w/service by USCA-8 on 07/03/2019. [4804594] [18-2473] (LMT) [Entered: 07/03/2019 10:39 AM]
2 pg, 211.12 KB
- 07/22/2019   JUDGE ORDER: [\[4804594-2\]](#) Denying motion release pending appeal filed by Appellant Mr. Timothy O'Laughlin. Hrg Apr 2019 [4810494] [18-2473] (JMM) [Entered: 07/22/2019 03:14 PM]
1 pg, 8.81 KB
- 08/19/2019   OPINION FILED - THE COURT: Bobby E. Shepherd, Michael J. Melloy and L. Steven Grasz AUTHORIZING JUDGE:L. Steven Grasz (PUBLISHED) [4820288] [18-2473] (JMM) [Entered: 08/19/2019 07:31 AM]
5 pg, 247.73 KB
- 08/19/2019   **JUDGMENT FILED** - The judgment of the Originating Court is AFFIRMED in accordance with the opinion BOBBY E. SHEPHERD, MICHAEL J. MELLOY and L. STEVEN GRASZ Hrg Apr 2019 [4820289] [18-2473] (JMM) [Entered: 08/19/2019 07:37 AM]
1 pg, 9.19 KB
- 08/26/2019   PETITION for rehearing by panel filed by Appellant Mr. Timothy O'Laughlin w/service by USCA-8 on 08/28/2019 [4824460] [18-2473] (LMT) [Entered: 08/28/2019 03:21 PM]
2 pg, 201.76 KB
- 09/03/2019   PETITION for rehearing en banc filed by Mr. Timothy O'Laughlin; w/service by USCA-8 on 09/04/2019. [4826772] [18-2473]--[Edited to correct filing event and relief 10/10/2019 by AMT]--[Edited 10/10/2019 by DMW] (LMT) [Entered: 09/04/2019 02:30 PM]
4 pg, 584.64 KB
- 10/31/2019   JUDGE ORDER: The petition for rehearing en banc is denied. [\[4826772-3\]](#) The petition for panel rehearing is also denied. [\[4824460-2\]](#) PUBLISHED ORDER. Hrg Apr 2019 [4847536] [18-2473] (NDW) [Entered: 10/31/2019 09:28 AM]
1 pg, 8.82 KB

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