

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 19-10197

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UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

ERIC GERARD MCGINNIS,

Defendant - Appellant

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Appeal from the United States District Court  
for the Northern District of Texas

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ON PETITION FOR REHEARING EN BANC

(Opinion April 21, 2020, 5 Cir., \_\_\_\_\_, \_\_\_\_\_ F.3d \_\_\_\_\_)

Before HIGGINBOTHAM, JONES, and DUNCAN, Circuit Judges.

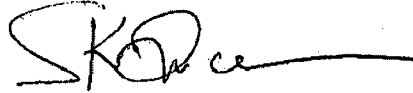
PER CURIAM:

- (x) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.
  
- () Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not

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disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

A handwritten signature in black ink, appearing to read "SK Duncan", with a long horizontal flourish extending to the right.

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STUART KYLE DUNCAN  
UNITED STATES CIRCUIT JUDGE