

United States Court of Appeals For the First Circuit

Nos. 07-1676, 07-1677, 07-1678, 07-1679

UNITED STATES,

Appellant/Cross - Appellee,

v.

ALFRED W. TRENKLER,

Defendant - Appellee/Cross - Appellant.

ALFRED W. TRENKLER,

Petitioner -Appellee/Cross-Appellant,

v.

UNITED STATES,

Respondent-Appellant/Cross-Appellee.

Before

Lynch, Chief Judge,
Torruella, Selya, Boudin,
Lipez* and Howard,
Circuit Judges,
Stafford,** District Judge.

ORDER OF COURT

Entered: September 24, 2008

*Judge Lipez is recused and did not participate in the consideration of this matter.

**Of the U.S. District Court for the Northern District of Florida, sitting by designation.

Pursuant to First Circuit Internal Operating Procedure X(C), the petition for rehearing en banc has also been treated as a petition for rehearing before the original panel. The petition for rehearing having been denied by the panel of judges who decided the case and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:

/s/ Richard Cushing Donovan, Clerk

cc:

Chaitowitz, Dina Michael

Griffin, Joan M.

Kromm, Randall Ernest

Salsberg, Corey A.

Trenkler, Alfred W.