

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

April 4, 2014

**Before**

JOEL M. FLAUM, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 13-3281

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

GARY DEBENEDETTO,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

No. 1:12-cr-00199

Rubén Castillo,  
*Chief Judge.*

## ORDER

The Government has filed a Petition for Panel Rehearing requesting that we amend our opinion of March 3, 2014, to reflect that the Government never was ordered to respond to Mr. Debenedetto's motion to stay. It also requests that we designate our March 3 opinion as nonprecedential. The Government explains that it did not have an opportunity to address fully the issue of whether, in assessing the importance of the Government's interests under the first prong of the analysis under *Sell v. United States*, 539 U.S. 166 (2003), the district court should focus on the maximum sentence or the probable Guidelines sentence. This issue, however, has been fully briefed in *United States v. Breedlove*, No. 13-3406, scheduled for oral argument later this month.

The panel has reexamined its March 3 opinion, and now withdraws that opinion and substitutes the attached revised opinion. Accordingly,

**IT IS ORDERED** that the petition for panel rehearing is **DENIED**.

**IT IS FURTHER ORDERED** that the opinion entered in this case on March 3, 2014, be and is hereby **WITHDRAWN**, and that the attached revised opinion of this date be **SUBSTITUTED**.