

# United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

December 7, 2017

## Before

KENNETH F. RIPPLE, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

Nos. 15-2432 & 15-2447

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

JOHN D. GRIES and  
JAMES McCULLARS,  
*Defendants-Appellants.*

Appeals from the  
United States District Court for the  
Southern District of Indiana,  
Indianapolis Division.

Nos. 1:11CR00191-010, -011

Sarah Evans Barker,  
*Judge.*

## ORDER

The defendants have petitioned for panel rehearing and rehearing en banc based in part on an error in the remand instructions contained in the court's opinion. On this point the government agrees, as do we. Accordingly, the petition for panel rehearing is granted, and the opinion issued on September 20, 2017, is withdrawn and replaced with the attached opinion.

In all other respects, the petition for rehearing is denied. On consideration of the petition for rehearing en banc, no judge in active service requested a vote. Accordingly, the petition for rehearing en banc is denied.