

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

August 30, 2018

Before

DANIEL A. MANION, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 17-3314

ANTHONY KAMINSKI,
Plaintiff-Appellant,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of Indiana,
South Bend Division.

No. 16-CV-514

Jon E. DeGuilio,
Judge.

ORDER

The Acting Commissioner of Social Security has filed a petition for panel rehearing in which she requests that the panel remove two words from a sentence of the opinion issued on July 9, 2018. The sentence, which appears on page 9 of the slip opinion, states: "At the fifth step, the burden of proof and persuasion is on the agency." The Acting Commissioner requests that we remove the two words "and persuasion" so that the sentence at issue reads, "At the fifth step, the burden of proof is on the agency."

The petition for rehearing is **GRANTED**. The sentence on page 9 of the slip opinion that reads: "At the fifth step, the burden of proof and persuasion is on the agency" is hereby **AMENDED** to read only "At the fifth step, the burden of proof is on the agency." In addition, the citation to *Maresh v. Barnhart* on page 9 is **AMENDED** to indicate the case was from the Eighth Circuit, so that the citation reads: "*Maresh v. Barnhart*, 438 F.3d 897, 901 (8th Cir. 2006)" No separate amended opinion will be issued.