

April 18, 2014

Elisabeth A. Shumaker
Clerk of Court

PUBLISH

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

PHILBERT RENTZ,

Defendant-Appellee.

No. 12-4169

ORDER

Before **BRISCOE**, Chief Judge, **KELLY, LUCERO, HARTZ, TYMKOVICH, GORSUCH, HOLMES, MATHESON, BACHARACH,** and **PHILLIPS**, Circuit Judges.¹

This matter is before the court on the defendant’s Petition for Rehearing En Banc and For Panel Rehearing. Both the defendant’s petition and government’s response were submitted to all of the judges of the court who are in regular active service. A poll was called and a majority of the court voted to grant en banc rehearing. *See* 10th Cir. R. 35.6. Consequently, the petition is granted. Oral argument will be heard in connection with the court’s September 2014 term. The parties will be advised of the exact date and time for argument when that calendar is set.

¹ Judge Carolyn McHugh is recused in this matter and did not participate in consideration of the petition.

The parties are directed to file simultaneous supplemental briefs on or before June 30, 2014 addressing the following question:

Whether a defendant can be charged with two violations of 18 U.S.C. § 924(c) based on two separate crimes of violence and a single use of a firearm.

The parties are reminded that the en banc court is not bound by panel precedents. Briefs are limited to 20 pages in length in a 13 point font. The parties are directed to file their briefs via the court's ECF system. In addition, within 2 business days of that filing, 16 hard copies of the briefs must be received in the clerk's office.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER
Clerk of Court