

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 10-3164

United States of America

Appellee

v.

Delroy Fischer

Appellant

Appeal from U.S. District Court for the District of Nebraska - Omaha
(8:08-cr-00471-JFB-1)

ORDER

The petition for rehearing en banc is denied. The petition for panel rehearing is also denied.

Judges Bye, Colloton, Gruender and Benton would grant the petition for rehearing en banc.

August 29, 2011

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans