

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 25-2635 & 25-2636

UNITED STATES OF AMERICA,
Appellant

v.

Julien Giraud, Jr. & Julien Giraud III, No. 25-2635
(D.N.J. Nos. 1:24-cr-00768-001 & 1:24-cr-00768-002)

Cesar Humberto Pina, No. 25-2636
(D.N.J. No. 2:25-cr-00436-001)

Present: HARDIMAN, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY,
PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, MASCOTT,
SMITH and FISHER¹, *Circuit Judges*

SUR PETITION FOR REHEARING
WITH SUGGESTION FOR REHEARING EN BANC

The petition for rehearing filed by Appellant, United States of America in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied. ²

¹ The votes of the Honorable D. Brooks Smith and D. Michael Fisher, Senior Judges of the United States Court of Appeals for the Third Circuit, are limited to panel rehearing only.

² Judges Phipps, Matey, and Mascott would grant the petitions for rehearing by the en banc court. Judge Mascott will file a separate dissent sur rehearing on a later date.

BY THE COURT:

s/ D. Michael Fisher

Circuit Judge

Dated: January 26, 2026

nmb/cc: All Counsel of Record