

United States Court of Appeals,
Eleventh Circuit.

No. 94-3067.

UNITED STATES of America, Plaintiff-Appellee,

v.

Raymond Joseph DENALLI, Defendant-Appellant.

Aug. 1, 1996.

Appeal from the United States District Court for the Middle District of Florida (No. 94-34-Cr-Orl-18); G. Kendall Sharp, Judge.

ON PETITION FOR REHEARING

(Opinion Jan. 23, 1996, 11th Cir., 1996, 73 F.3d 328.)

Before HATCHETT and BIRCH, Circuit Judges, and GODBOLD, Senior Circuit Judge.

PER CURIAM:

The petition for rehearing filed by the United States is GRANTED to the following extent:

The first full paragraph in the right hand column of 73 F.3d 329 is deleted and replaced by the following:

We easily conclude that the Federles' private residence was not used in interstate or foreign commerce; therefore, this court must determine only if the residence was used in any activity affecting interstate or foreign commerce.

The first sentence of the paragraph on 73 F.3d 330 labeled as [2] is deleted and replaced by the following:

[2] *Lopez* required the government to prove that Federles' private residence was used in an activity that had a substantial effect on interstate commerce.

In all other respects the petition for rehearing is DENIED.