

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 16<sup>th</sup> day of February, two thousand twelve.

PRESENT: DENNIS JACOBS,  
Chief Judge,  
GUIDO CALABRESI,  
ROSEMARY S. POOLER,  
Circuit Judges.


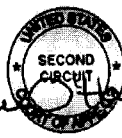
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UNITED STATES OF AMERICA,  
Appellee,

-v.- 11-1126

SERGEY ALEYNIKOV,  
Defendant-Appellant.  
----- -X

Upon due consideration, it is hereby ORDERED, ADJUDGED AND DECREED that the judgment of conviction is REVERSED on both counts and the matter is remanded to the district court for entry of a judgment of acquittal. An opinion shall follow in due course. The mandate shall issue forthwith.

FOR THE COURT:  
CATHERINE O'HAGAN WOLFE, CLERK

11-1126  
United States v. Aleynikov

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**PRESENT: DENNIS JACOBS,**  
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**UNITED STATES OF AMERICA,**  
**Appellee,**

-v.-

11-1126

**SERGEY ALEYNIKOV,**  
**Defendant-Appellant.**  
-----X

The mandate is recalled, the order of February 16, 2012 is rescinded, and the following order is entered.

Upon due consideration, it is hereby **ORDERED, ADJUDGED AND DECREED** that the judgment of conviction is **REVERSED** on both counts and the matter is remanded to the district court for the limited purpose of releasing the defendant upon the terms of bail that were previously set. An opinion shall follow in due course.

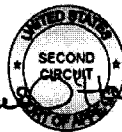
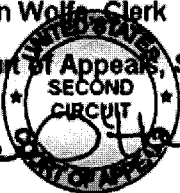
FOR THE COURT:  
CATHERINE O'HAGAN WOLFE, CLERK

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

*Catherine O'Hagan Wolfe*



*Catherine O'Hagan Wolfe*