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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NO. 96-1088

THOMAS DEBLASE,

Appellant

v.

LAWRENCE V. ROTH, WARDEN, MONTGOMERY COUNTY
CORRECTIONAL FACILITY; THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA

Argued February 6, 1997

Before: STAPLETON and MANSMANN, Circuit Judges,
and RESTANI*, Judge

Reargued En Banc October 29, 1997

Before: SLOVITER, Chief Judge, BECKER, STAPLETON,
MANSMANN, GREENBERG, SCIRICA, COWEN, NYGAARD,
ALITO, ROTH, LEWIS, McKEE, Circuit Judges

O R D E R

This matter having come before the court en banc by order of this court dated July 30, 1997, following the grant of rehearing pursuant to this court's Internal Operating Procedure 9.4.1., it is hereby

* Hon. Jane A. Restani, Judge, United States Court of International Trade, sitting by designation.

O R D E R E D that the order of the district court dated January 11, 1996 denying and dismissing appellant's petition for a writ of habeas corpus under 28 U.S. Code § 2254 be and is hereby affirmed by an equally divided court.

Each party shall bear its own costs.

By the Court,

/s/ Dolores K. Sloviter
Chief Judge

Dated: October 31, 1997

□