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States Court of Appeals
for the Third Circuit

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Cochran v. Pinchak

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Case No: 02-1047

OLIVER COCHRAN

Appellant

v.

STEVEN PINCHAK, Administrator of East Jersey State Prison;
PATRICK ARVONIO, Administrator of East Jersey State Prison;
ALFIERO ORTIZ, Assistant Administrator of East Jersey State Prison;
TERRANCE MOORE, Assistant Administrator of East Jersey State Prison;
MICHAEL POWERS; DR. FREDERICK BAUER; LT. "JOHN" MILLER;
SGT. "JOHN" TARZA; DR. FRANKLIN H. SPIRN; DR. HOWARD M. EPSTEIN;
NEW JERSEY DEPARTMENT OF CORRECTIONS; THOMAS D. FARRELL,
Supervisor of the Health Services Unit of the New Jersey
Department of Corrections; SCOTT A. FAUNCE, Administrator of
Bayside State Prison; CHARLES LEONE, Assistant Administrator of
Bayside State Prison; "JANE" MERITT, Classification Supervisor
of Bayside State Prison; "JOHN" BLOUNT, Correction Officer; "JOHN" ALENDE,
Correction Officer; "JOHN" DAVENPORT, Correction Officer;
"JOHN" SNELL, Correction Officer; SERGEANT "JOHN" PERGANSKI,
Correction Officer; SERGEANT "JOHN" DAVIS, Correction Officer;
CORRECTIONAL MEDICAL SERVICES; DR. HERTZEL ZACKAI; DR. "JOHN"
CARLINO; LISA LITTLE, Hospital Administrator for Bayside State Prison;
MARGE AMODEL

Appellees

UNITED STATES OF AMERICA

Intervenor

Before: SCIRICA, Chief Judge, FISHER and ALDISERT, Circuit Judges,

ORDER SUR PETITION FOR PANEL REHEARING

It appearing that the Supreme Court has before it the consolidated cases of *United States v. Georgia*, No. 04-1203, and *Goodman v. Georgia*, No. 04-1236, cert granted May 16, 2005, that are appeals from the Court of Appeals for the Eleventh Circuit which discuss *Miller v. King*, 384 F.3d. 1248 (11th Cir. 2004), a case relied on by the majority opinion in the within case, it is ORDERED that the Petitions for Panel Rehearing be and are hereby GRANTED, that the opinion and judgment in the within case be VACATED and that the matter be held C.A.V. until such time as the Supreme Court decides the consolidated cases of *United States v. Georgia*, No. 04-1203, and *Goodman v. Georgia*, No. 04-1236.

BY THE COURT

/s/ Ruggero J. Aldisert
Circuit Judge

Dated: June 17, 2005
CMH/cc: JVD, DMR, SEH