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Theodore Hayes v. Philip Harvey

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-2692

THEODORE HAYES;
AQEELA FOGLE,
Appellants

v.

PHILIP E. HARVEY

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
District Court No. 2-15-cv-02617
District Judge: The Honorable Nitza I. Quinones Alejandro

ORDER SUR PETITION
FOR REHEARING EN BANC

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN
HARDIMAN, GREENAWAY, JR., VANASKIE, SHWARTZ, KRAUSE,
RESTREPO, BIBAS, and FISHER*, Circuit Judges

A majority of the active judges having voted for rehearing en banc in the above captioned case, it is ordered that the petition for rehearing is GRANTED. The Clerk of this Court shall list the case for rehearing en banc at the convenience of the Court. The opinion and judgment entered October 18, 2017 are hereby vacated.

BY THE COURT,

s/ D. Brooks Smith
Chief Judge

Dated: December 29, 2017

* Will participate as a member of the en banc court pursuant to 3d Cir. I.O.P. 9.6.4.

tmm/cc: All Counsel of Record