

United States Court of Appeals For the First Circuit

No. 10-1389

JAMES N. THIVIERGE,

Plaintiff, Appellant,

v.

TOWN OF AMESBURY, ET AL.,

Defendants, Appellees.

Before

Lynch, Chief Judge,
Torruella, Boudin, Lipez, Howard and Thompson,
Circuit Judges.

ORDER OF COURT

Entered: September 26, 2011

The motion seeking leave to file an oversized petition for rehearing en banc is granted and the court hereby accepts the petition and addendum submitted to this court on July 5, 2011. To the extent that a separate motion seeks to file a further amendment to that petition, that request is denied.

Pursuant to this court's Internal Operating Procedure X.C., we treat a petition for rehearing en banc also as a petition for rehearing before the original panel. The petition for rehearing having been denied by the panel of judges who decided the case and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:

/s/ Margaret Carter, Clerk.

cc:

Katharine I. Doyle

Mark R. Reich

James N. Thivierge