

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 18-1811

BRIAHEEN THOMAS,
Appellant,

v.

DEPUTY SUPERINTENDENT TICE, DEPUTY GARMAN,
CCPM MILLER, and MAJOR HALDERMAN

(Civ. Action No. 4-16-cv-01487)

SUR PETITION FOR PANEL REHEARING
AND REHEARING EN BANC

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS,
PORTER, MATEY and PHIPPS, Circuit Judges

The petition for rehearing filed by **Appellant** in the above-entitled case having been submitted to the judges who participated in the decision of this Court and a majority of the judges who participated in the decision of the Court having voted for rehearing, it is hereby **ORDERED** that the petition for panel rehearing is **GRANTED**. The opinion and judgment filed November 12, 2019 are hereby **VACATED**. An amended opinion¹ and judgment will be filed contemporaneously with this order.

¹ The majority has made changes to the language that appeared at pages 6 and 11 of the original opinion.

A majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the Court en banc is **DENIED**. Judges McKee, Greenaway and Restrepo voted for rehearing en banc.

BY THE COURT,

s/ David J. Porter
Circuit Judge

Date: January 15, 2020
PDB/cc: All Counsel of Record