

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 17-3076

IN RE: OHIO EXECUTION PROTOCOL.

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ANGELO FEARS, et al.,  
Plaintiffs,

GARY OTTE; RONALD PHILLIPS;  
RAYMOND TIBBETTS,  
Plaintiffs - Appellees,

v.

DONALD MORGAN, et al.,  
Defendants - Appellants.

**FILED**  
Jun 28, 2017  
DEBORAH S. HUNT, Clerk

Before: COLE, Chief Judge; BATCHELDER, MOORE, CLAY, GIBBONS,  
ROGERS, SUTTON, McKEAGUE, GRIFFIN, KETHLEDGE,  
WHITE, STRANCH, DONALD, and THAPAR, Circuit Judges.

**JUDGMENT**

On Appeal from the United States District Court  
for the Eastern District of Tennessee at Winchester.

UPON CONSIDERATION of the petition for rehearing en banc and the supplemental briefs and arguments of counsel,

IT IS ORDERED that the district court's January 26, 2017 preliminary injunction is VACATED.

**ENTERED BY ORDER OF THE COURT**



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Deborah S. Hunt, Clerk