

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

April 29, 2013

## Before

MICHAEL S. KANNE, *Circuit Judge*

JOHN D. TINDER, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 12-2037

NORTHEASTERN RURAL ELECTRIC  
MEMBERSHIP CORPORATION,  
*Plaintiff-Appellant,*

*v.*

WABASH VALLEY POWER  
ASSOCIATION,  
*Defendant-Appellee.*

Appeal from the United States District Court  
for the Southern District of Indiana,  
Indianapolis Division.

No. 1:11-cv-00144-SEB-DML

Sarah Evans Barker,  
*Judge.*

## ORDER

On consideration of the petition for rehearing en banc, filed on March 8, 2013, all judges on the original panel have voted to deny the petition for panel rehearing, and no judge in active service has requested a vote for rehearing en banc.

Accordingly, the petition for rehearing en banc is **DENIED**.

On page three of the slip opinion issued February 22, 2013, the third sentence of the new, full paragraph is hereby **AMENDED** as follows:

The denial of a motion to remand ordinarily cannot ~~be appealed~~ provide a basis for appellate jurisdiction before a final judgment, see 28 U.S.C. § ~~1447(d)~~1292, but here we have jurisdiction over the denial of the motion to remand because it is “inextricably intertwined” with the appealable preliminary injunction.

As amended, the sentence shall now read:

The denial of a motion to remand ordinarily cannot provide a basis for appellate jurisdiction before a final judgment, see 28 U.S.C. § 1292, but here we have jurisdiction over the denial of the motion to remand because it is “inextricably intertwined” with the appealable preliminary injunction.