

FILED: January 15, 2013

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1458
(1:07-cv-00953-JAB-WWD)

RYAN MCFADYEN; MATTHEW WILSON; BRECK ARCHER

Plaintiffs - Appellees

v.

PATRICK BAKER; STEVEN CHALMERS; RONALD HODGE; LEE RUSS;
BEVERLY COUNCIL; JEFF LAMB; MICHAEL RIPBERGER

Defendants - Appellants

and

DUKE UNIVERSITY; DUKE UNIVERSITY POLICE DEPARTMENT; AARON GRAVES; ROBERT DEAN; LEILA HUMPHRIES; PHYLLIS COOPER; WILLIAM F. GARBER, III; JAMES SCHWAB; JOSEPH FLEMING; JEFFREY O. BEST; GARY N. SMITH; GREG STOTSENBERG; ROBERT K. STEEL; RICHARD H. BRODHEAD, Ph. D.; PETER LANGE, Ph. D.; TALLMAN TRASK, III, Ph. D.; JOHN BURNES; LARRY MONETA, Ed. D.; DUKE UNIVERSITY HEALTH SYSTEMS, INCORPORATED; PRIVATE DIAGNOSTIC CLINIC, PLLC; JULIE MANLY, MD; THERESA ARICO, R. N.; TARA LEVICY, R. N.; THE CITY OF DURHAM, NORTH CAROLINA; MICHAEL NIFONG; STEPHEN MIHAICH; EDWARD SARVIS; LAIRD EVANS; JAMES T. SOUKUP; KAMMIE MICHAEL; DAVID ADDISON; MARK D. GOTTLIEB; BENJAMIN W. HIMAN; LINWOOD WILSON; RICHARD D. CLAYTON; DNA SECURITY, INCORPORATED; RICHARD CLARK; BRIAN MEEHAN, Ph. D.; VICTOR J. DZAU, MD; ALLISON

HALTON; KEMEL DAWKINS; SUZANNE WASIOLEK; STEPHEN BRYAN;
MATTHEW DRUMMOND; DUKE POLICE DEFENDANTS

Defendants

No. 11-1460
(1:07-cv-00953-JAB-WWD)

RYAN MCFADYEN; MATTHEW WILSON; BRECK ARCHER

Plaintiffs - Appellees

v.

THE CITY OF DURHAM, NORTH CAROLINA; DAVID ADDISON; MARK
GOTTLIEB; BENJAMIN HIMAN

Defendants - Appellants

and

DUKE UNIVERSITY; DUKE UNIVERSITY POLICE DEPARTMENT; AARON
GRAVES; ROBERT DEAN; LEILA HUMPHRIES; PHYLLIS COOPER;
WILLIAM F. GARBER, II; JAMES SCHWAB; JOSEPH FLEMING; JEFFREY
O. BEST; GARY N. SMITH; GREG STOTSENBERG; ROBERT K. STEEL;
RICHARD H. BRODHEAD, Ph. D.; PETER LANGE, Ph. D.; TALLMAN
TRASK, III, Ph. D.; JOHN BURNES; LARRY MONETA, Ed. D.; DUKE
UNIVERSITY HEALTH SYSTEMS, INCORPORATED; PRIVATE
DIAGNOSTIC CLINIC, PLLC; JULIE MANLY, MD; THERESA ARICO, R. N.;
TARA LEVICY, R. N.; MICHAEL NIFONG; STEPHEN MIHAICH; EDWARD
SARVIS; LAIRD EVANS; JAMES T. SOUKUP; KAMMIE MICHAEL;
LINWOOD WILSON; RICHARD D. CLAYTON; DNA SECURITY,
INCORPORATED; RICHARD CLARK; BRIAN MEEHAN, Ph. D.; VICTOR J.
DZAU, MD; ALLISON HALTON; KEMEL DAWKINS; SUZANNE
WASIOLEK; STEPHEN BRYAN; MATTHEW DRUMMOND; DUKE POLICE
DEFENDANTS; PATRICK BAKER; STEVEN W. CHALMERS; RONALD

HODGE; LEE RUSS; BEVERLY COUNCIL; JEFF LAMB; MICHAEL
RIPBERGER

Defendants

ORDER

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk