

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 22-9001

ROBERT WHARTON  
Appellant

v.

SUPERINTENDENT GRATERFORD SCI et al.

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D.C. Civ No: 2-01-cv-006049

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SUR PETITION FOR REHEARING

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Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, SHWARTZ, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, MONTGOMERY-REEVES, and CHUNG, *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 to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Thomas M. Hardiman  
Circuit Judge

Dated: June 19, 2024

cc: Steven B. Lev, Esq.  
Paul M. George, Esq.  
Carl L Mahler, Esq.

Ronald Eisenberg, Esq.  
James P. Barker, Esq.