

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 08-4227

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AN ORDER DIRECTING A PROVIDER OF
ELECTRONIC COMMUNICATION
SERVICE TO DISCLOSE RECORDS TO THE GOVERNMENT

United States of America,
Appellant

SUR PETITION FOR REHEARING

Present: McKEE, Chief Judge, SLOVITER, SCIRICA, RENDELL, BARRY,
AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, JR., VANASKIE, ROTH* and
TASHIMA** Circuit Judges

The petition for rehearing filed by Appellant United States of America 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, an answer to the petition for rehearing requested by the court having been filed, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court en banc, the petition for rehearing is denied.

By the Court,

Dated: December 15, 2010 /s/ Dolores K. Sloviter
Circuit Judge

* Hon. Jane R. Roth, Senior Circuit Judge, as to panel rehearing only.

** Honorable A. Wallace Tashima, Senior Judge of the United States Court of Appeals for the Ninth Circuit, sitting by designation, as to panel rehearing only.