

United States Court of Appeals For the First Circuit

No. 11-1775

UNITED STATES

Appellee

v.

JASON WAYNE PLEAU

Defendant - Appellant

LINCOLN D. CHAFEE, in his capacity as
Governor of the State of Rhode Island

Intervenor

No. 11-1782

In re: JASON WAYNE PLEAU

Petitioner

LINCOLN CHAFEE, Governor of Rhode Island

Intervenor

Before

Lynch, Chief Judge
Torruella, Boudin, Lipez, Howard, and Thompson
Circuit Judges.

ORDER OF COURT

Entered: December 21, 2011

A majority of the active judges having voted to rehear this case en banc, the petition for

rehearing en banc is granted. In accordance with customary practice, the panel opinion and the dissent released on October 13, 2011, are withdrawn, and the judgments entered on the same date are vacated. See 1st Cir. I.O.P. X(D). The stay of district court proceedings granted by the panel remains in effect pending further order of the en banc court.

The parties have filed briefs and the en banc court will have copies of these briefs. However, the parties are invited to file supplemental briefs, not to exceed 20 pages per side. Such briefs should be filed simultaneously on or before **January 26, 2012**. Amici are welcome to file amicus briefs, also not to exceed 20 pages per brief, on the same schedule, but must seek leave of court.

Supplemental briefs by the parties and amicus briefs must comply with applicable rules concerning format, number of copies, service and other requirements. The en banc hearing will be scheduled for **April 4, 2012, at 9:00 a.m.**

It is so ordered.

By the Court:

/s/ Margaret Carter, Clerk.

cc:

Honorable William E. Smith, District Court Judge
David DiMarzio, Clerk of Court, United States District Court for the District of Rhode Island
William J. Ferland
Adi Goldstein
Donald Campbell Lockhart
David P. Hoose
Robert Barney Mann
Claire J.V. Richards