

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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06-4536

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PAUL KAMIENSKI,  
Appellant

v.

ROY L. HENDRICKS, Administrator;  
ATTORNEY GENERAL OF THE STATE OF NEW JERSEY;  
OCEAN COUNTY PROSECUTOR'S OFFICE

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PRESENT: SCIRICA, Chief Judge, SLOVITER, McKEE, RENDELL, BARRY, AMBRO,  
FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN, VAN ANTWERPEN,\*  
Circuit Judges

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**SUR PETITION FOR PANEL REHEARING  
WITH SUGGESTION FOR REHEARING *EN BANC***

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The petition for rehearing filed by Appellee having been submitted to the judges who participated in the decision of this Court, and to all the other available circuit judges in active service, 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:

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\*Judge Van Antwerpen's vote is limited to panel rehearing only.

/s/ Theodore A. McKee  
Circuit Judge

DATED: July 2, 2009

tmk/cc: Timothy J. McInnis, Esq.

Samuel J. Marzarella, Esq.