

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

06-4536

PAUL KAMIENSKI,
Appellant

v.

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

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

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

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:

*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.