



**E. B., (A Fictitious Name) v. PETER VERNIERO \*, ATTORNEY GENERAL OF THE STATE OF NEW JERSEY; CHARLES R. BUCKLEY, ACTING BERGEN COUNTY PROSECUTOR; JAMES MOSLEY, CHIEF OF POLICE OF THE CITY OF ENGLEWOOD, NEW JERSEY, Peter Verniero \*, Attorney General Of The State Of New Jersey, Appellant**

\* Amended per Clerk's Order of 7/16/96

**NO. 96-5132**

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**127 F.3d 298; 1997 U.S. App. LEXIS 27634**

**September 17, 1997, Decided**

**PRIOR HISTORY:** [\*\*1] Original Opinion of August 20, 1997, Reported at: 1997 U.S. App. LEXIS 22316.

**JUDGES:** BEFORE: SLOVITER, Chief Judge, BECKER, STAPLETON, MANSMANN, SCIRICA, COWEN, NYGAARD, ALITO, ROTH, LEWIS, and McKEE, Circuit Judges.

**OPINION BY:** Walter K. Stapleton

**OPINION**

[\*298] *SUR PETITION FOR REHEARING*

The petition for rehearing filed by appellee 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 circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

Judge Becker would have granted rehearing.

By the Court,

Walter K. Stapleton

Circuit Judge

Dated: SEP 17 1997