

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-2609

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JACKIE MCDOWELL, et al.

v.

PHILADELPHIA HOUSING AUTHORITY (PHA);  
JOHN WHITE; BARRY MILLER

Jackie McDowell and the certified  
class whom she represents,

Appellant

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SUR PETITION FOR REHEARING

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Present: SCIRICA, Chief Judge, SLOVITER, ALITO,  
ROTH, McKEE, RENDELL, BARRY, AMBRO, FUENTES,  
SMITH, FISHER, and VAN ANTWERPEN, Circuit Judges,  
and GARTH, Senior Circuit Judge

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

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\*As to panel rehearing only.

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,

/s/ Samuel A. Alito, Jr.

Circuit Judge

DATED: