

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-2072

ANGEL RIVERA

Appellant

v.

COMMONWEALTH OF PENNSYLVANIA, et al.

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 02-cv-08399)
District Judge: The Honorable Charles R. Weiner

Before: BARRY, AMBRO and ALDISERT, Circuit Judges

ORDER SUR PETITION FOR REHEARING
AND REHEARING EN BANC

It appearing that the Petition for Panel Rehearing filed by Appellant having been submitted to the judges who participated in the decision of this Court, and that Appellant has now raised a question not contained in his brief that we may nevertheless consider because it relates to jurisdiction, to-wit, a suggestion that the District Court violated Rule 58's requirement that every judgment should be entered on a separate document, it is ORDERED that the petition for panel rehearing is hereby GRANTED and that the

opinion heretofore filed is hereby VACATED, and the Clerk DIRECTED to set up a briefing schedule for the parties limited to the Rule 58 issue only for consideration at a date to be determined by the panel.

BY THE COURT

/s/ Ruggero J. Aldisert, Circuit Judge

DATED: March 7, 2006
CMD/cc: Jeremy A. Mercer, Esq.
David J. Mussel, Esq.