

THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-9002

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HUBERT L. MICHAEL,  
Appellant

v.

MARTIN HORN, Commissioner, Pennsylvania Department of  
Corrections; \*DAVID DIGUGLIELMO, Superintendent of the State  
Correctional Institution at Graterford; JOSEPH P. MAZURKIEWICZ,  
Superintendent of the State Correctional Institution at Rockview

(\*Amended - See Clerk's Order dated 1/6/05)

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
(D.C. Civil No. 96-cv-01554)  
District Judge: The Honorable Thomas I. Vanaskie

BEFORE: NYGAARD\*, AMBRO, and GREENBERG, Circuit Judges  
**ORDER**

It is now here ORDERED by this Court that the Court's Order of July 8, 2005 issued in this case, be, and the same is hereby RECALLED. The Court's Order of July 7, 2005 is VACATED to the extent that it denied Appellee's Petition for Panel Rehearing. Panel rehearing is hereby GRANTED, and the Court's Order of June 2, 2005 is hereby VACATED.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

Dated: August 10, 2005  
ghb/cc: See Page Two

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\* Honorable Richard L. Nygaard assumed senior status on July 9, 2005.

Michael v. Horn

Page Two

No. 04-9002

ghb/cc: Joseph M. Cosgrove, Esq.

Jonelle H. Eshbach, Esq.

Mr. Hubert L. Michael