

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-3586

NAKIA WILLIAM GARRUS,
Appellant

v.

*SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS;
THE DISTRICT ATTORNEY OF THE COUNTY OF PHILADELPHIA;
THE ATTORNEY GENERAL FOR THE STATE OF PENNSYLVANIA

*(Pursuant to Rule 43(c), Fed. R. App. P.)

PRESENT: McKEE, Chief Judge, SLOVITER, SCIRICA, RENDELL, AMBRO,
FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN,
GREENAWAY, JR. and VANASKIE, Circuit Judges

ORDER

The Court, *sua sponte*, orders rehearing *en banc* in the above captioned case. It is ordered that the Clerk of this Court list the case for rehearing *en banc* Wednesday, May 30, 2012 at 10:00 am.

The *en banc* court will consider whether the district court erred in considering the defendant's 1997 conviction for second-degree burglary in determining whether the defendant should be sentenced under Pennsylvania's "three strikes" law, 42 Pa. Cons. Stat. § 9714.

The Clerk of Court will set an appropriate briefing schedule..

By the Court,

Theodore A. McKee
Chief Circuit Judge

Dated: February 24, 2012
SLC/cc: Thomas W. Dolgenos
David R. Fine
David C. Glebe
Anthony R. Holtzman
Robert M. Wolff