

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-1688

CALISIA KELLEY; JOHNNIE MAE KELLEY, Co-Administrators of the Estate of
Bruce Kelley Jr., deceased,
Appellants

V.

BRIAN O'MALLEY, both in his Official and Individual Capacities as Sergeant for the
Allegheny County Port Authority; DOMINIC RIVOTTI, both in his Official and
Individual Capacities as Officer for the Allegheny County Port Authority

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. No. 2:17-cv-01599)
District Judge: Honorable Nora Barry Fischer

ORDER

BEFORE: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, SHWARTZ, KRAUSE,
RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-
REEVES, CHUNG, and FISHER, *Circuit Judges**

* The Honorable D. Michael Fisher's vote is limited to panel rehearing only.

The petition for rehearing filed by Appellants in the above-captioned matter having been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service, it is hereby **ORDERED** that the petition for rehearing by the panel is **GRANTED** and the petition for rehearing en banc is **DENIED**.

The Court has amended the opinion to correct a minor factual issue. The Clerk is directed to vacate the opinion entered on December 22, 2023, and file the amended opinion contemporaneously with this Order. As the changes do not affect the judgment, the judgment will remain as filed.

BY THE COURT

s/ Paul B. Matey
Circuit Judge

Dated: March 21, 2024

CJG/cc: Noah Geary, esq.
Gregory A. Evashavik, Esq.
Nicholas J. Evashavik, Esq.