

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-1775

ALFRED W. TRENKLER,

Appellant

v.

MICHAEL PUGH, Warden

Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 02-cv-01736)
District Judge: Honorable Richard P. Conaboy

Submitted Under Third Circuit LAR 34.1(a)
December 12, 2003

Present: SCIRICA, Chief Judge, SLOVITER,
NYGAARD, ALITO, ROTH, McKEE, RENDELL, BARRY,
AMBRO, FUENTES, SMITH, CHERTOFF, FISHER and
GARTH*, Circuit Judges,

**SUR PETITION FOR PANEL REHEARING
WITH SUGGESTION FOR REHEARING *EN BANC***

* Senior Judge Garth, who sat on the original panel is limited to panel rehearing only.

The petition for rehearing filed by Appellant having been submitted to the judges who participated in the decision of this Court, and to all the other available circuit judges in active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the Circuit in regular service not having voted for rehearing by the court *en banc*, the petition for rehearing is DENIED.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: February 13, 2004

lwc/cc: Catherine J. Hinton, Esq.
James L. Sultan, Esq.
Kevin P. McGrath, Esq.
Kate L. Mershimer, Esq.