

# United States Court of Appeals For the First Circuit

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No. 12-2194

MICHELLE KOSILEK,

Plaintiff, Appellee,

v.

LUIS S. SPENCER, Commissioner of the  
Massachusetts Department of Correction,

Defendant, Appellant.

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Before

Lynch, Chief Judge,  
Torruella, Howard,  
Thompson and Kayatta,  
Circuit Judges.

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## ORDER OF COURT

Entered: February 12, 2014

A majority of the active judges having voted to rehear this case en banc, the petition for rehearing en banc is granted. In accordance with customary practice, the panel opinion and the dissent released on January 17, 2014, are withdrawn, and the judgment entered on the same date is vacated. See 1st Cir. I.O.P. X(D).

The parties have filed briefs and the en banc court will have copies of those briefs. However, the parties are free to file supplemental briefs, not to exceed 25 pages per side. Such briefs should be filed simultaneously on or before March 14, 2014. Amici are welcome to file amicus briefs, also not to exceed 25 pages per brief, on the same schedule, but must seek prior leave of court. Supplemental briefs by the parties and amicus briefs must comply with applicable rules concerning format, service, and other requirements.

Any reply briefs, whether by the parties or by amici given permission to file a brief, must be filed no later than 7 days after the principal supplemental briefs are filed. Reply briefs are limited to 15 pages.

Fourteen paper copies of all briefs filed should be provided to the Clerk's Office no later than one business day after the electronic brief is filed.

The en banc hearing is scheduled for May 8, 2014 at 9:30 a.m., En Banc Courtroom, 7th Floor, John Joseph Moakley Courthouse, Boston, Massachusetts.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Bennett H. Klein  
Stephen M. O'Shea  
Joseph L. Sulman  
Richard Charles McFarland  
Jennifer L. Levi  
Joan T. Kennedy  
Matthew R Segal  
Cori A. Lable  
Jared A. Craft  
Andrew David Beckwith  
Christina Y. Chan  
David Isaac Brody  
Daniel V. McCaughey