

PENNSYLVANIA v. PORTER

United States Court of Appeals for the Third Circuit

March 26, 1981

No. 79-2653, No. 79-2684, No. 79-2685

Reporter: 1981 U.S. App. LEXIS 18844

COMMONWEALTH OF PENNSYLVANIA and RICHARD W. BAUMANN, JOSEPH BLUME, JAMES MAGES and BERNARD W. PEITZ, JR., Individually and on behalf of all other similarly situated v. JAMES D. PORTER, Chief of Police; Borough of Millvale; FRANK L. BARANYAI, Borough of Millvale Police Officer; REGIS J. McCARTHY, et al. Frank L. Baranyai, Appellant in No. 79-2653; Regis McCarthy, et al., Appellants in No. 79-2684; James D. Porter, Appellant In No. 79-2685

Opinion by: [*1] SEITZ

Opinion

PRESENT: SEITZ, Chief Judge , ALDISERT, ADAMS, GIBBONS, HUNTER, GARTH, HIGGINBOTHAM, and SLOVITER, Circuit Judges

ORDER

A majority of the active judges having voted for rehearing in banc in the above captioned cases, it is

ORDERED that the Clerk of this Court list the above captioned cases for rehearing before the Court in banc at the convenience of the Court, and it is

FURTHER ORDERED that the opinion and judgment filed on February 19, 1981, be and are hereby vacated.