

INMATES OF the ALLEGHENY COUNTY JAIL, Thomas Price Bey, Arthur Goslee, Robert Maloney, and Calvin Milligan on their own behalf and on behalf of all others similarly situated, Appellants,

v.

Cyril H. WECHT, President of the Allegheny County Board of Prison Inspectors, and the other members of the Board; Thomas Foerster and William H. Hunt, Commissioners for Allegheny County; Frank J. Lucchino, Controller for Allegheny County; Eugene Coon, Sheriff for Allegheny County; the Honorable Patrick R. Tamilya; Michael J. O'Malley and Marion K. Finkelhor, Judges, Court of Common Pleas of Allegheny County; Richard S. Caliguiri, Mayor of the City of Pittsburgh, Harriet McCray; Msgr. Charles Owen Rice; and Charles Kozakiewicz, Warden of the Allegheny County Jail and William R. Robinson, Executive Director of Prison Inspectors; and Cyril Wecht, Thomas Foerster and William H. Hunt, as Commissioners of Allegheny County,

v.

The COMMONWEALTH of Pennsylvania; The Commonwealth of Pennsylvania, Department of Corrections; Davis S. Owens, Jr., Commissioner, Department of Corrections; and Erskind Deramus, Deputy Commissioner, Department of Corrections.

No. 95-3402.

United States Court of Appeals, Third Circuit.

September 20, 1996.

SLOVITER, Chief Judge, BECKER, STAPLETON, MANSMANN, GREENBERG, SCIRICA, COWEN, NYGAARD, ALITO, ROTH, LEWIS, McKEE, Circuit Judges, and POLLAK^[*], District Judge.

ORDER

SLOVITER, Chief Judge.

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

ORDERED that the Clerk of this Court vacate the panel's opinion and judgment filed August 22, 1996 and list the above case for rehearing en banc at the convenience of the court.

[*] Hon. Louis H. Pollak, United States Senior Judge for the United States District Court for the Eastern District of Pennsylvania, as to panel rehearing only.

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