

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term, 2020

Filed On: November 25, 2020

BEFORE: Srinivasan, Chief Judge, and Henderson, Rogers, Tatel, Garland, Millett, Pillard, Wilkins, Katsas, Rao, and Walker, Circuit Judges

ORDER

It is **ORDERED** by the en banc court that Circuit Rule 35 be amended as set out in the attachment to this order, effective December 1, 2020.

FOR THE COURT:

BY:



Mark J. Langer, Clerk

Circuit Rule 35

Petition for Panel Rehearing and Petition for Hearing or Rehearing En Banc

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(d) Disposition of Petition. A petition for rehearing ordinarily will not be granted, nor will an opinion or judgment be modified in any significant respect in response to a petition for rehearing, in the absence of a request by the court for a response to the petition. A response to a petition for hearing or rehearing en banc must conform to the length limits of FRAP 35; a response to a petition for panel rehearing must conform to the length limits of FRAP 40.

A petition for panel rehearing will not be acted upon until action is ready to be taken on any timely petition for rehearing en banc. If rehearing en banc is granted, the panel's judgment, but ordinarily not its opinion, will be vacated, and the petition for panel rehearing may be acted upon without awaiting final termination of the en banc proceeding. Upon termination of the en banc proceeding, a new judgment will be issued. If the en banc court divides evenly, a new judgment affirming the decision under review will be issued.