

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5004

September Term, 2020

1:19-mc-00145-TSC

Filed On: January 14, 2021

In re: In the Matter of the Federal Bureau of
Prisons' Execution Protocol Cases,

James H. Roane, Jr., et al.,

Appellees

v.

Jeffrey Rosen, Acting Attorney General, et al.,

Appellants

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

ORDER

Appellees' emergency petition for rehearing en banc and, if necessary, an administrative stay, and the opposition thereto were circulated to the full court, and a vote was requested. Thereafter, a majority of the judges eligible to vote did not vote in favor of the petition. Upon consideration of the foregoing, it is

ORDERED that the petition be denied. It is

FURTHER ORDERED that the request for administrative stay be dismissed as moot.

The Clerk is directed to issue the mandate forthwith to the district court.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

* Chief Judge Srinivasan and Circuit Judge Garland did not participate in this matter.