

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 11-3401

Frederick Carlton Lewis,
Appellant

v.

Kim Guadagno, Secretary of State; Paula Dow, Attorney General;
Joseph Ripa, Camden County Clerk; Timothy Tyler, Burlington County Clerk;
Edward P. McGettigan, Atlantic County Clerk; John Does I-X (fictitious names), jointly
and severally and in the alternative,
Appellees

William Layton; Ted Costa,
Intervenors/Appellees

(D.N.J. No. 11-cv-02381)

Present: SCIRICA, AMBRO and VANASKIE, Circuit Judges

ORDER

It is hereby ORDERED that panel rehearing is granted. Pursuant to Third Circuit I.O.P. 9.5.1, any petition for rehearing is presumed to include a request for panel rehearing.

The Court will hear oral argument at 8:30 a.m. on Tuesday, September 20, 2011, with fifteen minutes allocated to each side. At oral argument, the parties should be prepared to address the following three questions:

- (1) Can a person be a citizen of two states?
- (2) What are the requirements of California law for a person to vote in that State?
- (3) To what extent can a federal court interpret a state constitution?

If the parties wish, they may submit simultaneous written statements by 6:00 p.m. on Monday, September 19, 2011. In granting panel rehearing, the Court's order filed September 13 is vacated; provided, however, that Mr. Lewis will remain on the ballot until further order of the Court.

By the Court,

/s/ Thomas L. Ambro
Circuit Judge

Dated: September 19, 2011

cc: William J. Cook, Esq.
Robert T. Lougy, Esq.
Donna Kelly, Esq.
Peter H. Nelson, I, Esq.
James T. Dougan, Esq.
Mark D. Sheridan, Esq.
William M. Tambussi, Esq.