



**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

AMENDMENT TO INTERNAL OPERATING PROCEDURES

The Court has adopted an amendment to 3d Cir. I.O.P. 9.2, adding language with respect to communications that currently appears in 3d Cir. I.O.P. 9.4.2 and 9.5.4, to provide a consistent procedure for en banc consideration by the Court:

9.2 Hearing En banc.

Initial en banc hearing is extraordinary; it is ordered only when a majority of the active judges who are not disqualified determines that the case is controlled by a prior decision of the court which should be reconsidered and the case is of such immediate importance that exigent circumstances require initial consideration by the full court. An active judge who does not communicate with the Chief Judge concerning initial en banc hearing within ten (10) days after the date the clerk transmits the petition for initial en banc hearing is presumed not to desire initial en banc hearing.