

File Name: 05a0200p.06

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

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LYNN D. TUCKER, JR., et al.

*Plaintiffs-Appellees,*

v.

CITY OF FAIRFIELD, OHIO, et al.

*Defendants-Appellants.*

No. 03-4508

Filed: April 28, 2005

Before: KENNEDY, MARTIN, and MOORE, Circuit Judges.

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**ORDER**

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The court having received a petition for rehearing en banc, and the petition having been circulated not only to the original panel members but also to all other active judges of this court, and less than a majority of the judges having favored the suggestion, the petition for rehearing has been referred to the original panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. Accordingly, the petition is denied. Judge Kennedy would grant rehearing for the reasons stated in her dissent.

ENTERED BY ORDER OF THE COURT

/s/ Leonard Green

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Clerk