

In the
United States Court of Appeals
FOR THE SEVENTH CIRCUIT
CHICAGO, ILLINOIS 60604

May 25, 2006

Before

Honorable JOEL M. FLAUM, *Chief Judge*

Honorable FRANK H. EASTERBROOK, *Circuit Judge*

Honorable ILANA DIAMOND ROVNER, *Circuit Judge*

No. 05-1107

AHMMAD POURGHORAISHI,	)	
	)	Appeal from the United States
<i>Plaintiff-Appellant,</i>	)	District Court for the
	)	Northern District of Indiana,
<i>v.</i>	)	Hammond Division
	)	No. 2: 03-CV-269
FLYING J., INC., STEVE LINDGREN	)	
LARRY WILLIAMS, CITY OF GARY,	)	Hon. Rudy Lozano, <i>Judge.</i>
INDIANA, and	)	
NAKON SECURITY, INC.	)	
	)	
<i>Respondent-Appellee.</i>)		

ORDER

Upon consideration of **PLAINTIFF-APPELLANT'S PETITION FOR PANEL REHEARING**, filed May 4, 2006, by counsel for the appellant Ahmmad Pourghoraishi,

IT IS ORDERED that the petition is denied. The court, however, makes the following corrections to the opinion:

The final paragraph of the opinion shall be replaced with the following:

For the reasons asserted above, we affirm the district court’s grant of summary judgment for the Flying J, Steve Lindgren, and Nakon Security on the § 1981 claims, reverse the grant of summary judgment for the Flying J, Steve Lindgren, and Nakon Security on the relevant state law claims, and reverse the grant of summary judgment for Officer Williams and the City of Gary, Indiana, on the claims brought under 42 U.S.C. § 1983, and the relevant state law claims. We remand for further proceedings consistent with this decision. All parties to bear their own costs.

Footnote 3 on page 15 will be amended to state,

“ . . . Furthermore, even if they were, Pourghoraishi has failed the second and third prongs of the *Morris* test, so it cannot be determined that Pourghoraishi was denied the opportunity to contract on the basis of his race as opposed to some other ground.”