

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

June 28, 2024

By the Court:

No. 21-3332

JOHN SABO,
Plaintiff-Appellant,

v.

MEGAN ERICKSON, et al.,
Defendant-Appellant.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 2:20-CV-00718-WED

William E. Duffin,
Magistrate Judge.

O R D E R

A *sua sponte* request for rehearing *en banc* was made by an active member of the court, and a majority of the court voted in favor of that request. Accordingly, the panel opinion of April 30, 2024, is vacated, and the court will set an argument date by separate order.

The parties shall each file supplemental briefs of up to 7,000 words addressing the following questions, in addition to any other points they wish to raise: (1) whether Sabo has stated a claim against defendants Hicks and Haley for a violation of his Eighth Amendment right against cruel and unusual punishment; and (2) accepting Sabo's factual allegations as true, whether it was clearly established under then-existing law that Hicks and Haley had a constitutional duty to act to prevent a violation of his Eighth Amendment right against cruel and unusual punishment.

Thirty (30) copies of the supplemental briefs must be submitted to the Clerk's Office by July 26, 2024. Counsel must also re-submit to the Clerk's Office thirty (30) copies of all briefs, appendices, supplemental authority, and any other materials filed for the original argument by that date.