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May 1, 2015

Via CM/ECF

Patricia S. Connor, Clerk of Court
United States Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

Re: *Stephen V. Kolbe, et al. v. Lawrence J. Hogan, Jr., et al.*, No. 14-1945

Dear Ms. Connor:

The Defendants-Appellees submit this letter under Federal Rule of Appellate Procedure 28(j). On April 21, 2015, the United States Court of Appeals for the Sixth Circuit vacated its panel decision in *Tyler v. Hillsdale County Sheriff's Dep't*, No. 13-1876 (order attached). The now-vacated panel decision, which had been the only federal appellate court decision applying strict scrutiny to firearms regulations, was cited by the Defendants-Appellees in their brief (ECF #52, p. 28) and discussed by the Plaintiffs-Appellants in their reply brief (ECF #61, p. 13). That case will now be reheard *en banc*.

Respectfully submitted,

/s/ Matthew J. Fader

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cc: Counsel of record (via CM/ECF)

No. 13-1876

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Apr 21, 2015
) DEBORAH S. HUNT, Clerk

CLIFFORD CHARLES TYLER,

Plaintiff-Appellant,

v.

HILLSDALE COUNTY SHERIFF'S DEPARTMENT, ET AL.,

Defendants-Appellees.

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ORDER

BEFORE: COLE, Chief Judge; BOGGS, BATCHELDER, MOORE, CLAY, GIBBONS, ROGERS, SUTTON, COOK McKEAGUE, GRIFFIN, KETHLEDGE, WHITE, STRANCH, and DONALD, Circuit Judges.

A majority of the Judges of this Court in regular active service have voted for rehearing of this case en banc. Sixth Circuit Rule 35(b) provides as follows:

“The effect of the granting of a hearing en banc shall be to vacate the previous opinion and judgment of this court, to stay the mandate and to restore the case on the docket sheet as a pending appeal.”

Accordingly, it is **ORDERED**, that the previous decision and judgment of this court is vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument as soon as possible.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk