

**UNPUBLISHED**

FILED: March 16, 2020

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-6980  
(1:16-cv-00539-CCE-LPA)

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RONNIE WALLACE LONG

Petitioner - Appellant

v.

ERIK A. HOOKS, Secretary, NC Dep't of Public Safety

Respondent - Appellee

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THOMAS ALBRIGHT, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; VALENA ELIZABETH BEETY, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; BARBARA E. BIERER, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; C. MICHAEL BOWERS, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; ARTURO CASADEVALL, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; JESSICA GABEL CINO, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; SIMON A. COLE, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for

Biological Studies; M. BONNER DENTON, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; SHARI SEIDMAN DIAMOND, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; RACHEL DIOSO-VILLA, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; JULES EPSTEIN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; DAVID L. FAIGMAN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; LISA S. FAIGMAN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; NITA FARAHANY, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; BRANDON L. GARRETT, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; BRUCE GREEN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; LISA KERN GRIFFIN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; EDWARD J. IMWINKELRIED, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; INNOCENCE PROJECT, INC., Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; EISHA JAIN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; DAVID KORN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; JASON KREAG, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; DANIEL S. MEDWED, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; JENNIFER L. MNOOKIN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; JOHN MONAHAN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; ALAN B. MORRISON, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; ROBERT P. MOSTELLER, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; ERIN MURPHY, Professor and Director Vision Center

Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; D. MICHAEL RISINGER, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; MICHAEL SAKS, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; NICHOLAS SCURICH, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; GEORGE SENSABAUGH, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; DAN SIMON, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; J.H. PATE SKENE, Ph. D., Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; CLIFFORD SPIEGELMAN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; COLIN STARGER, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; HAL STERN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; WILLIAM A. TOBIN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; JAMES L. WAYMAN, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; ELLEN YAROSHEFSKY, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies; SANDY ZABELL, Professor and Director Vision Center Laboratory Conrad T. Prebys Chair in Vision Research Salk Institute for Biological Studies

Amici Supporting Appellant

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O R D E R

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A majority of judges in regular active service and not disqualified having voted in a requested poll of the court to grant the petition for rehearing en banc,

IT IS ORDERED that rehearing en banc is granted.

The parties shall file 16 additional paper copies of their briefs and appendices previously filed in this case within 10 days.

This case will be calendared for oral argument before the next available session of court.

For the Court

/s/ Patricia S. Connor, Clerk