

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

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At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 10<sup>th</sup> day of January, two thousand and twelve,

Before: Peter W. Hall,  
Gerard E. Lynch,  
Denny Chin,  
*Circuit Judges.*

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Akiva Tessler,  
Plaintiff - Appellant,

**ORDER**

Docket Number: 11-331-cv (L),  
11-1394-cv (Con)

v.

David A. Paterson, as Governor of the State of New York,  
Dennis Rosen, as Chairman of the Division of Alcoholic  
Beverage Control, f/k/a New York State Liquor Authority, in  
his individual capacity, Dennis Rosen, as Chairman of the  
Division of Alcoholic Beverage Control, f/k/a/ New York  
State Liquor Authority, in his official capacities, Noreen  
Healey, as a Commissioner of the Division of Alcoholic  
Beverage Control, in her individual capacity, Noreen Healey,  
as a Commissioner of the Division of Alcoholic Beverage  
Control, in her official capacity, Jeanique Greene, as a  
Commissioner of the Division of Alcoholic Beverage, in her  
individual capacity, Jeanique Greene, as a Commissioner of  
the Division of Alcoholic Beverage Control, in her official  
capacity, The State of New York, The Division of Alcoholic  
Beverage Control,

Defendants - Appellees.

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Appellant Akiva Tessler having filed a petition for panel rehearing and the panel that determined the appeal having considered the request,

IT IS HEREBY ORDERED that the petition is DENIED.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

  
Catherine O'Hagan Wolfe

