

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 27, 2019

Elisabeth A. Shumaker  
Clerk of Court

MARLON DEON HARMON,

Petitioner - Appellant,

v.

No. 16-6360

TOMMY SHARP, Interim Warden,  
Oklahoma State Penitentiary,

Respondent - Appellee.

ORDER

Before **HARTZ**, **HOLMES**, and **CARSON**, Circuit Judges.

This matter is before the court on *Appellant Marlon Deon Harmon's Petition for Rehearing and Request for En Banc Consideration*. We also have a response from the appellee and a reply.

The request for panel rehearing is denied by the original panel members. *See* Fed. R. App. P. 40.

In addition, the *Petition*, response and reply were also circulated to all of the judges of the court who are in regular active service. As no member on the panel and no

judge in regular active service requested that the court be polled, the request for *en banc* rehearing is likewise denied. *See* Fed. R. App. P. 35(a).

Entered for the Court



ELISABETH A. SHUMAKER, Clerk