

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**October 2, 2023**

**Christopher M. Wolpert**  
**Clerk of Court**

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DARRELL WAYNE FREDERICK,

Petitioner - Appellant,

v.

Christe Quick, Warden, Oklahoma State  
Penitentiary,

Respondent - Appellee.

No. 20-6131  
(D.C. No. 5:19-CV-00037-SLP)  
(W.D. Okla.)

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**ORDER**

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Before **MATHESON, CARSON, and ROSSMAN**, Circuit Judges.

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This matter is before the court on *Petitioner/Appellant Darrell Wayne Frederick's Petition for Rehearing and Request for En Banc Consideration*. We also have a response from Appellee. Having carefully considered the petition, response, and the filings in this appeal, we direct as follows.

To the extent the appellants seek panel rehearing, the petition is denied by a majority of the panel pursuant to Federal Rule of Appellate Procedure 40. Judge Rossman would grant panel rehearing.

The petition was transmitted to all of the judges of the court who are in regular active service. As no member of the panel and no judge in regular active service on the

court requested that the court be polled, the request for rehearing *en banc* is denied pursuant to Federal Rule of Appellate Procedure 35(f).

Entered for the Court,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk