

IOP 6.14 | ABSENCE OF A MAJORITY DECISION

A majority vote of the participating judges shall be necessary for the issuance of any en banc decision. In the absence of such a majority the case shall revert to the originally assigned panel of three judges; the order granting en banc consideration shall be vacated and the case finally disposed of by the original three-judge panel. If a panel opinion was withdrawn from pre-release due to an en banc vote, upon the primary judge's direction, the clerk will place the panel opinion on expedited pre-release for three business days, releasing on the fourth business day.

