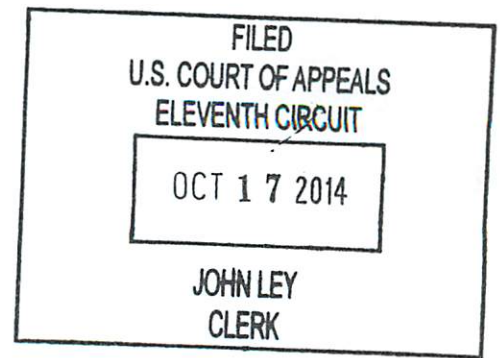


U.S. COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

GENERAL ORDER NO. 42



On December 30, 2013, I entered General Order No. 41 certifying the existence of an emergency for purposes of 28 U.S.C. § 46(b). That order allows cases and controversies before this Court to be heard and decided by three-judge panels consisting of fewer than two judges of this Court. See 28 U.S.C. § 46(b) (providing that “[i]n each circuit the court may authorize the hearing and determination of cases and controversies by separate panels, each consisting of three judges, at least a majority of whom shall be judges of that court, unless . . . the chief judge of that court certifies that there is an emergency”). The order also provides that it will remain in effect until the Chief Judge or another judge authorized to act as Chief Judge formally declares that a 28 U.S.C. § 46(b) emergency no longer exists.

The circumstances that led to the issuance of General Order No. 41 have changed enough so that no more panels will be composed of fewer than two judges of this Court. I formally declare that the certification contained in General Order No. 41 is no longer in effect as far as future panels are concerned.

Panels composed of fewer than two judges of this Court that have had any appeals either orally argued or submitted to them for decision before the date of

today's order remain authorized under 28 U.S.C. § 46(b) and General Order 41 to determine the cases and controversies contained in those appeals. Their authority includes issuing decisions in those appeals, ruling on petitions for rehearing, and taking any further action that a panel composed of two or more judges of this Court could take. Allowing that is consistent with the language of § 46(b), which provides that the certification of an emergency authorizes "the hearing and determination of cases and controversies" by panels consisting of fewer than two judges of this Court, and it will also conserve judicial resources, avoid inefficiencies, and prevent unnecessary delay.

FOR THE COURT:

  
Chief Judge

Date: October 17, 2014