

14-2919

New York State Citizens' Coal. for Children v. Poole

**United States Court of Appeals
FOR THE SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of August, two thousand nineteen.

PRESENT:

ROBERT A. KATZMANN,
Chief Judge,
JOSÉ A. CABRANES,
ROSEMARY S. POOLER,
PETER W. HALL,
DEBRA ANN LIVINGSTON,
DENNY CHIN,
RAYMOND J. LOHIER, JR.,
SUSAN L. CARNEY,
RICHARD J. SULLIVAN,
JOSEPH F. BIANCO,
MICHAEL H. PARK
Circuit Judges.

NEW YORK STATE CITIZENS' COALITION
FOR CHILDREN,

Plaintiff-Appellant,

v.

No. 14-2919

SHEILA J. POOLE, Acting Commissioner for
the New York State Office of Children and
Family Services, in his official capacity,

Defendant-Appellee.

For Plaintiff-Appellant:

Grant J. Esposito, Adam J. Hunt,
Morrison & Foerster LLP, New York,
NY; Brian R. Matsui, Esq., Morrison &
Foerster LLP, Washington, DC.

For Defendant-Appellee:

Caroline A. Olsen, Assistant Solicitor
General; Barbara D. Underwood,
Solicitor General; Steven C. Wu,
Deputy Solicitor General *for* Letitia
James, Attorney General for the State
of New York.

Following disposition of this appeal on April 19, 2019, an active judge of the Court requested a poll on whether to rehear the case *en banc*. A poll having been conducted and there being no majority favoring *en banc* review, rehearing *en banc* is hereby **DENIED**.

Debra Ann Livingston, *Circuit Judge*, joined by José A. Cabranes, Richard J. Sullivan, Joseph F. Bianco, and Michael H. Park, *Circuit Judges*, dissents by opinion from the denial of rehearing *en banc*.

José A. Cabranes, *Circuit Judge*, dissents by opinion from the denial of rehearing *en banc*.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, CLERK


The signature is written in blue ink over a circular official seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".