

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 21-2335

IN RE: TRENTON JOHN TOMPKINS,  
Petitioner-Movant.

**Motion for Reconsideration of Order Filed 11/30/21  
or for Leave to File Attachments**

On 11/30/21, the Clerk entered an order which amended her prior order, but still stated: “If the petitioner wants his petition for panel rehearing with exhibits submitted to the Court, he must file a motion for leave to include exhibits. See 3d Cir. L.A.R. 40.1(a)”.

3d Cir. L.A.R. 40.1(a) states:

40.1 Form, Filing, and Required Attachments to Petition for Panel Rehearing

(a) A petition seeking rehearing must be filed electronically as provided in L.A.R. Misc. 113. Paper copies need not be filed unless directed by the clerk. Petitions must include as an exhibit a copy of the panel's judgment, order, and opinion, if any, as to which rehearing is sought.

The rule says nothing about filing for leave to submit attachments. In fact, the rule requires the submission of at least one attachment, an exhibit a copy of the panel's judgment, meaning that if it were necessary to file for leave to submit attachments, it would also be necessary to do so in every request for Panel Rehearing.

Electronic filing was not available to the Petitioner at the time of his original submission.

Petitioner asks the court reconsider the order it entered on 11/30/21, as requesting leave to file attachments appears to be unnecessary under the rule.

Submitted with this motion are electrically filed copies of the following:

Petition for Panel Rehearing  
(Exhibit 1) 21-08-12 Opinion  
(Exhibit) Petition for Certiorari  
(Exhibit 2) 20-12-21 Notice of Appeal  
(Exhibit 3) 21-01-29 Argument in Support of Appeal  
and a copy of the Order entered November 30, 2021

Petitioner asks that his Petition for Panel Rehearing and exhibits, which were already submitted on August 27, 2021 and are now submitted again electronically, be submitted to the court for panel reconsideration in accordance with Fed.R.App.P. 40 and I.O.P. 8.1.

Petitioner asks the court to grant any leave necessary to accept the attachments as filed.

Respectfully signed,

/s/Trenton Tompkins  
Trenton Tompkins, *Petitioner*  
**cert of service attached**

**CERTIFICATE OF SERVICE**

I hereby certify that on the below date, a true and correct copy of the enclosed response was served by electronic filing to and upon the following:

Office of the Clerk  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106

Other parties requiring service are Filing Users and will be served electronically.

Date: December 5, 2021

/s/Trenton Tompkins  
TRENTON J. TOMPKINS  
Petitioner  
510 Main Street,  
Prospect, PA 16052