

“What Does a Sua Sponte Grant of Rehearing Teach Us About Seeking Rehearing?” *Law.com*

Publications

February 14, 2022

In an article for *Law.com*, Jenner & Block Partner Michael T. Brody examines a recent decision by the US Court of Appeals for the Seventh Circuit that “reveals what the Seventh Circuit might be looking for when considering whether to grant rehearing.” In *United States v. Cole*, an Illinois state trooper followed Janhoi Cole in his vehicle “with the intent to catch him in a traffic violation to provide a pretext for a roadside stop.” Mr. Cole was directed to a nearby gas station, where he was met by another state trooper and a drug-sniffing dog, and he was found to be in possession of illegal drugs. A Seventh Circuit panel overturned Mr. Cole’s conviction, but the court decided, of its own accord, to rehear the case en banc. “This case is an example of the Seventh Circuit granting rehearing to decide an issue the court cares about, even if the losing party was willing to let it go,” Mr. Brody wrote. “The court apparently saw Cole as a chance to clarify and correct the Circuit’s law on an issue of concern to the court, even if the government was content to let Cole walk free.”

[Read the article here.](#)

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