

**ON REHEARING
UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1630

STANLEY ABLER,

Plaintiff - Appellant,

v.

MAYOR AND CITY COUNCIL OF BALTIMORE,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Beth P. Gesner, Magistrate Judge. (1:18-cv-03668-BPG)

Submitted: October 11, 2023

Decided: November 17, 2023

Before QUATTLEBAUM and HEYTENS, Circuit Judges, and MOTZ, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Stanley Abler, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stanley Abler petitions for rehearing and rehearing en banc of our August 28, 2023, decision dismissing as untimely Abler's appeal of the magistrate judge's order* granting Defendant summary judgment on his discrimination claims, brought pursuant to the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701 to 796*l*. Contrary to our earlier opinion, after considering the documents Abler provided with his rehearing petition, we conclude that Abler timely filed his notice of appeal. Thus, although we deny rehearing en banc, we grant the petition for panel rehearing.

Having now reviewed the merits of the magistrate judge's order granting Defendant summary judgment, we discern no reversible error. We therefore affirm the magistrate judge's order. *Abler v. Mayor & City Council of Balt.*, No. 1:18-cv-03668-BPG (D. Md. Mar. 18, 2022). We deny as moot Abler's motion to vacate this court's earlier judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* The parties consented to the jurisdiction of the magistrate judge, pursuant to 28 U.S.C. § 636(c).