

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-10569

UNITED STATES OF AMERICA

Plaintiff-Appellee

versus

JAMES MCFARLAND, JR

Defendant-Appellant

- - - - -
Appeal from the United States District Court for the
Northern District of Texas
- - - - -

ON PETITION FOR REHEARING EN BANC

(Opinion August 29, 2001, 5 Cir., 2001, _____F.3d_____)

(February 4, 2002)

Before KING, Chief Judge, JOLLY, HIGGINBOTHAM, DAVIS, JONES,
SMITH, WIENER, BARKSDALE, EMILIO M. GARZA, DeMOSS, BENAVIDES,
STEWART, PARKER, DENNIS and CLEMENT, Circuit Judges.

BY THE COURT:

A member of the Court in active service having requested
a poll on the petition for rehearing en banc and a majority of
the judges in active service having voted in favor of granting a
rehearing en banc,

IT IS ORDERED that this cause shall be reheard by the
court en banc with oral argument on a date hereafter to be fixed.
The Clerk will specify a briefing schedule for the filing of
supplemental briefs.