

July 9, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 00-40557

DEAN KINNEY; DAVID HALL

Plaintiffs-Appellees

versus

BOBBY WEAVER, Etc.; ET AL

Defendants

J B SMITH, Smith County Sheriff; SMITH COUNTY TEXAS; W A "BILL" YOUNG, Tyler Police Chief; CITY OF TYLER, TEXAS; EAST TEXAS POLICE CHIEF'S ASSOCIATION; BOBBY WEAVER, Gregg County Sheriff; BOB GREEN, Harrison County Sheriff; GREGG COUNTY TEXAS; HARRISON COUNTY TEXAS RONNIE MOORE, Kilgore Director of Public Safety; CHARLES "CHUCK" WILLIAMS, City of Marshall Police Chief; TED GIBSON, Nacogdoches Police Chief; CITY OF KILGORE, TEXAS; CITY OF MARSHALL TEXAS; CITY OF NACOGDOCHES TEXAS

Defendants-Appellants

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

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC

(Opinion July 31, 2002, 5 Cir., 2002, _____F.3d____)

(July 9, 2003)

BEFORE: KING, Chief Judge, JOLLY, HIGGINBOTHAM, DAVIS, JONES, SMITH, WIENER, BARKSDALE, EMILIO M. GARZA, DeMOSS, BENAVIDES, STEWART, DENNIS, CLEMENT and PRADO, 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.