

June 26, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 02-20116

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UNITED STATES OF AMERICA

Plaintiff-Appellee

versus

ENRIQUE VARGAS-DURAN

Defendant-Appellant

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

ON PETITION FOR REHEARING EN BANC

(Opinion January 16, 2003, 5 Cir., 2003, \_\_\_\_\_F.3d\_\_\_\_\_)

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.