

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60062

RAYMOND PHILLIPS,

Petitioner-Appellant,

versus

JOHN F. DONNELLY, JR.;
MICHAEL C. MOORE, Attorney General,
State of Mississippi,

Respondents-Appellees.

Appeal from the United States District Court for the
Southern District of Mississippi

August 22, 2000

ON PETITION FOR REHEARING

Before REYNALDO G. GARZA, JOLLY, and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:

The petition for rehearing is GRANTED to the extent that our reference to the defendant bearing the burden should instead place the burden on the petitioner. In all other respects, the petition for rehearing with respect to this published opinion is DENIED.

ENTERED FOR THE COURT:

United States Circuit Judge