

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 12, 2008

No. 05-70038

Charles R. Fulbruge III
Clerk

ERIC LYNN MOORE

Petitioner-Appellee

versus

NATHANIEL QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION

Defendant-Appellant

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

ON PETITION FOR REHEARING EN BANC
(Opinion June 29, 2006, 5 Cir., 2006, _____F.3d_____)
(Opinion June 27, 2007, 5 Cir., 2007, _____F.3d_____)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, SMITH, WIENER,
BARKSDALE, GARZA, BENAVIDES, STEWART, DENNIS, CLEMENT,
PRADO, OWEN, ELROD and SOUTHWICK, 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 en
banc briefs.