

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 14, 2008

No. 07-60732

UNITED STATES OF AMERICA

Charles R. Fulbruge III
Clerk
Plaintiff-Appellee

vs.

JAMES FORD SEALE

Defendant-Appellant

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

ON PETITION FOR REHEARING
AND
PETITION FOR REHEARING EN BANC

(Opinion September 23, 2008, 5 Cir., 2008, _____F.3d____)

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