

IN THE UNITED STATES COURT OF APPEALS

United States Court of Appeals  
Fifth Circuit

FOR THE FIFTH CIRCUIT

**FILED**

September 26, 2013

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No. 11-41363

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,  
Plaintiff - Appellee

v.

RUBEN VARGAS-OCAMPO,  
Defendant - Appellant

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Appeal from the United States District Court for the  
Southern District of Texas, McAllen

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(Opinion March 14, 2013, 5 Cir., 2013, 711 F.3d 508)

Before STEWART, Chief Judge, KING, JOLLY, DAVIS, JONES, SMITH,  
DENNIS, CLEMENT, PRADO, OWEN, ELROD, SOUTHWICK, HAYNES,  
GRAVES and HIGGINSON, Circuit Judges.

BY THE COURT:

A majority of the circuit judges in regular active service and not disqualified having voted in favor, on the Court's own motion, to rehear this case en banc,

IT IS ORDERED that this cause shall be reheard by the court en banc without oral argument on a date hereafter to be fixed. Briefing instructions will be provided in the very near future.