

March 4, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20331

UNITED STATES OF AMERICA

Plaintiff-Appellee

versus

PEDRO CALDERON-PENA

Defendant-Appellant

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

ON PETITION FOR REHEARING EN BANC

(Opinion July 17, 2003, 5 Cir., 2003, _____F.3d____)

(March 4, 2004)

BEFORE: KING, Chief Judge, JOLLY, HIGGINBOTHAM, DAVIS, JONES,
SMITH, WIENER, BARKSDALE, EMILIO M. GARZA, DeMOSS,
BENAVIDES, STEWART, DENNIS, CLEMENT, PRADO and
PICKERING, 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.