

**FILED**

**November 6, 2003**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-40719

---

UNITED STATES OF AMERICA

Plaintiff-Appellee

versus

REGINALD BRIGHAM

Defendant-Appellant

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

ON PETITION FOR REHEARING EN BANC

(Opinion August 18, 2003, 5 Cir., 2003, \_\_\_\_\_F.3d\_\_\_\_\_)

(November 6, 2003)

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