

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41461

UNITED STATES OF AMERICA

Plaintiff-Appellee

vs.

JORGE GOMEZ-GOMEZ

Defendant-Appellant

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

ON PETITION FOR REHEARING EN BANC

(Opinion July 20, 2007, 5 Cir., 2007, _____F.3d____)

(February 11, 2008)

BEFORE: JONES, Chief Judge, JOLLY, DAVIS, SMITH, WIENER,
BARKSDALE, GARZA, BENAVIDES, STEWART, DENNIS, CLEMENT,
PRADO, OWEN, ELROD and SOUTHWICK, Circuit Judges.¹

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.

¹Judge King did not participate in the en banc vote.