

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 97-20948

JOYCE RILEY,

Plaintiff-Appellant,

VERSUS

ST. LUKE'S EPISCOPAL HOSPITAL;
DR. BRANISLAV RADOVANCEVIC; O. HOWARD FRAZIER, M.D.;
SURGICAL ASSOCIATES OF TEXAS, P.A.;
UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON;
BAYLOR COLLEGE OF MEDICINE; TEXAS HEART INSTITUTE;
and
EDWARD K. MASSIN, M.D.,

Defendants-Appellees.

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

(Opinion November 15, 1999, 5 Cir., ___ F.3d
___)

(November 15, 1999)

Before JOLLY, HIGGINBOTHAM, DAVIS, JONES, SMITH, WIENER,
BARKSDALE, EMILIO M. GARZA, DeMOSS, BENAVIDES, STEWART,

PARKER, and DENNIS, Circuit Judges.*

BY THE COURT:

The internal procedures of this court require the pre-circulation, to all non-recused active judges, of a proposed panel opinion that will create a circuit split. Those procedures also allow any active judge to request, before the opinion is issued, a poll on whether the case should be reheard en banc after the opinion is issued.

A member of the court in regular active service having requested a poll pursuant to that policy, and a majority of the judges in regular active service having voted in favor of granting 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.

* Chief Judge King is recused and did not participate in this matter.