

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

July 8, 2013

Lyle W. Cayce  
Clerk

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No. 12-20343  
Summary Calendar

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DANIEL SERGIO HANSEN,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:12-CV-1056

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**ON PETITION FOR REHEARING**

Before JOLLY, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is GRANTED.

In supplemental briefing filed by the parties after our previous opinion on rehearing, it has come to our attention that the state courts are now moving forward with Hansen's state habeas application. In the light of that activity, we

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\* Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-20343

cannot say that there is an absence of available State corrective process or that circumstances exist that render such process ineffective to protect Hansen's rights. *See* 28 U.S.C. § 2254(b)(1)(B). We therefore withdraw our previous opinions in this case and **AFFIRM** the judgment of the district court dismissing Hansen's federal habeas petition without prejudice for failure to exhaust state remedies.