

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

May 20, 2013

No. 12-30308

Lyle W. Cayce
Clerk

CALVIN JAMES,

Plaintiff - Appellant

v.

CURTIS MASON; UNITED STATES OF AMERICA,

Defendants - Appellees

Appeal from the United States District Court for the
Western District of Louisiana, Alexandria

ON PETITION FOR REHEARING EN BANC

(Opinion 2/5/2013, 5 Cir., _____,)

Before JONES, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:

(X) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is GRANTED in part. the panel reaffirms its prior opinion and judgment affirming the district court except for the discussion of James’s FTCA claim. As to this claim only, we vacate the district court’s summary judgment and remand for further proceedings in light of the Supreme Court’s decision in *Millbrook v. United States*, No. 11-10362 (U.S. Mar. 27, 2013).

AFFIRMED IN PART, VACATED IN PART AND REMANDED.