

United States Court of Appeals  
for the Fifth Circuit

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No. 18-50635

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UNITED STATES OF AMERICA,

*Plaintiff—Appellant,*

*versus*

SAMUEL TANEL CRITTENDEN,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:17-CR-2039-2

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(Opinion August 20, 2020, 5 Cir., 2020, 971 F.3d 499, withdrawn)  
(Opinion February 8, 2022, 5 Cir., 2022, 25 F.4th 347)

Before OWEN, *Chief Judge*, and JONES, SMITH, STEWART, DENNIS,  
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA,  
WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, and WILSON,  
*Circuit Judges.*

PER CURIAM:

A majority of the circuit judges in regular active service and not disqualified having voted in favor, on the Court's own motion, to rehear this case en banc,

No. 18-50635

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. Pursuant to 5th Circuit Rule 41.3, the panel opinion in this case dated February 8, 2022, is VACATED.