

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

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No. 11-41363

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UNITED STATES OF AMERICA,  
Plaintiff - Appellee

v.

RUBEN VARGAS-OCAMPO,  
Defendant - Appellant

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

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(Opinion March 14, 2013, 5 Cir., 2013, 711 F.3d 508)

Before STEWART, Chief Judge, KING, JOLLY, DAVIS, JONES, SMITH,  
DENNIS, CLEMENT, PRADO, OWEN, ELROD, SOUTHWICK, HAYNES,  
GRAVES and HIGGINSON, Circuit Judges.

BY THE COURT:

A majority of the circuit judges in regular active service and not  
disqualified having voted in favor to rehear this case en banc,

IT IS ORDERED that this cause shall be reheard by the court en banc  
without oral argument on a date hereafter to be fixed. Briefing instructions  
will be provided in the very near future.