

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 24, 2022

Lyle W. Cayce  
Clerk

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No. 21-20140

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ANDRES VARGAS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:20-CR-80-1

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ON PETITION FOR REHEARING EN BANC

(Opinion May 31, 2022, 5 CIR., 2022, 35 F.4th 936)

Before RICHMAN, *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 member of the court having requested a poll on the petition for rehearing en banc, and a majority of the circuit judges in regular active service and not disqualified having voted in favor,

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 May 31, 2022, is VACATED.