

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40237

UNITED STATES OF AMERICA

Plaintiff-Appellee

versus

MASONTAE HICKMAN; MARKUS D. CHOPANE; JYI R. MCCRAY;
EDWIN T. LIMBRICK; EDMOND GASAWAY

Defendants-Appellants

- - - - -
Appeals from the United States District Court for the
Eastern District of Texas
- - - - -

ON PETITIONS FOR REHEARING EN BANC AS TO
APPELLANTS MARKUS D. CHOPANE AND EDWIN T. LIMBRICK
(Opinion September 1, 1998, 5 Cir., 1998, _____F.3d_____)

(January 20, 1999)

Before KING, Chief Judge, POLITZ, JOLLY, HIGGINBOTHAM, DAVIS,
JONES, SMITH, DUHÉ, WIENER, BARKSDALE, EMILIO M. GARZA,
DeMOSS, BENAVIDES, STEWART, PARKER and DENNIS, Circuit
Judges.

BY THE COURT:

A member of the court in active service having requested a
poll on the petitions for rehearing en banc filed by Markus D.
Chopane and Edwin T. Limbrick, and a majority of the judges in
active service having voted in favor of granting the rehearings en
banc; and, a majority of judges in active service having
determined, on the court's own motion, to rehear the appeals of

Masontae Hickman, Jyi R. McCray and Edmond Gasaway en banc,

IT IS ORDERED that these causes 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.

IT IS FURTHER ORDERED that under 5th Cir. R. 42.1, the mandate issued in the appeals of Masontae Hickman, Jyi R. McCray and Edmond Gasaway are recalled to prevent injustice.