

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 98-20385

MAX ALEXANDER SOFFAR

Petitioner-Appellant

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION

Respondent-Appellee

- - - - -
Appeal from the United States District Court for the
Southern District of Texas
- - - - -

ON PETITION FOR REHEARING EN BANC
(Opinion December 21, 2000, 5 Cir., 2000, _____F.3d____)

(May 31, 2001)

Before KING, Chief Judge, JOLLY, HIGGINBOTHAM, DAVIS, JONES,
SMITH, 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 petition for rehearing en banc filed by Gary L.
Johnson, and a majority of the judges in active service having
voted in favor of granting the rehearing en banc,

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.