

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-21034

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CALVIN JEROLD BURDINE

Petitioner-Appellee

versus

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

Respondent-Appellant

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

ON PETITION FOR REHEARING EN BANC

(Opinion October 27, 2000, 5 Cir., 2000, \_\_\_\_\_F.3d\_\_\_\_)

December 5, 2000

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 and a majority of the judges in active service having voted in favor of granting a 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.