

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

**FILED**

November 14, 2008

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No. 07-60732

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

vs.

JAMES FORD SEALE

Defendant-Appellant

- - - - -  
Appeal from the United States District Court for the  
Southern District of Mississippi, Jackson Division  
- - - - -

ON PETITION FOR REHEARING  
AND  
PETITION FOR REHEARING EN BANC

(Opinion September 09, 2008, 5 Cir., 2008, \_\_\_\_\_F.3d\_\_\_\_\_)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, SMITH, WIENER,  
BARKSDALE, GARZA, BENAVIDES, STEWART, DENNIS, CLEMENT,  
PRADO, OWEN, ELROD, SOUTHWICK and HAYNES, 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.