

United States Court of Appeals,

Eleventh Circuit.

No. 97-2192.

Clarence E. HILL, of himself as an individual and on behalf of himself and all others similarly situated, Plaintiff-Appellee,

v.

Robert A. BUTTERWORTH, Attorney General for the State of Florida and Harry K. Singletary, Secretary, Florida Department of Corrections. Defendants-Appellants.

July 30, 1998

Appeal from the United States District Court for the Northern District of Florida (No. 4:96-CV-288-MMP); Maurice M. Paul, Judge.

Before HATCHETT, Chief Judge, and FAY and FARRIS*, Senior Circuit Judges.

Petition for Rehearing.

HATCHETT, Chief Judge:

In light of *Calderon v. Ashmus*, --- U.S. ----, 118 S.Ct. 1694, 140 L.Ed.2d 970 (1998), we grant Florida's petition for rehearing, vacate our previous opinion, *Hill v. Butterworth*, 133 F.3d 783 (11th Cir.1997), reverse the judgment of the district court, and remand the case with instructions to dissolve the injunction and dismiss the complaint for want of a justiciable case or controversy. *See Hill*, 133 F.3d at 785 n. 7 (Florida raised this issue on appeal).**

REVERSED and REMANDED.

*Honorable Jerome Farris, Senior U.S. Circuit Judge for the Ninth Circuit, sitting by designation.

**Florida's motion to stay is denied as moot.