

PUBLISH

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

No. 97-2192	D.C. Docket No. 4:96-CV-288-MMP	<b>FILED</b> U.S. COURT OF APPEALS ELEVENTH CIRCUIT <b>2/18/03</b> THOMAS K. KAHN CLERK
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CLARENCE E. HILL, of himself as an individual  
and on behalf of himself and all others similarly situated,

Plaintiff-Appellee,

versus

ROBERT A. BUTTERWORTH, Attorney General for the  
State of Florida and HARRY K. SINGLETARY, Secretary,  
Florida Department of Corrections.

Defendants-Appellants.

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Appeal from the United States District Court  
for the Northern District of Florida

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**(July 30, 1998)**

Petition for Rehearing

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

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

HATCHETT, Chief Judge:

In light of Calderon v. Ashmus, 118 S. Ct. 1694 (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.**

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