

Kris Edward HELTON, Plaintiff-Appellee,

v.

SECRETARY FOR THE DEPARTMENT OF CORRECTIONS, Defendant-Appellant.

No. 00-10097.

United States Court of Appeals,

Eleventh Circuit.

July 17, 2001.

Appeal from the United States District Court for the Southern District of Florida (No. 98-10110-CV-NCR);  
Norman C. Roettger, Jr., Judge.

Before TJOFLAT, HILL and POLITZ\*, Circuit Judges.

PER CURIAM:

The petition for rehearing filed by the Secretary for the Department of Corrections is GRANTED.  
The panel's prior opinion, *Helton v. Secretary for the Dep't of Corrections*, 233 F.3d 1322 (11th Cir.2000),  
is hereby VACATED.

SO ORDERED.

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\*Honorable Henry A. Politz, U.S. Circuit Judge for the Fifth Circuit, sitting by designation.