

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 00-10097

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
JULY 17, 2001
THOMAS K. KAHN
CLERK

D.C. Docket No. 99-10110-CIV-ROETTGER

KRIS EDWARD HELTON,

Plaintiff-Appellee,

versus

SECRETARY FOR THE DEPARTMENT
OF CORRECTIONS,

Defendant-Appellant.

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

(July 17, 2001)

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.

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