

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

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No. 00-11047

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D.C. Docket No. 98-01719-CV-N-S

MAJOR SAXTON, JR., MARY SAXTON,

Plaintiffs-Appellants,

versus

ACF INDUSTRIES, INC.,

Defendant-Appellee.

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

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(Opinion January 24, 2001, 239 F.3d . 1209, 11th Cir., 2001)

(March 15, 2001)

Before ANDERSON, Chief Judge, TJOFLAT, EDMONDSON, BIRCH, DUBINA, BLACK,  
CARNES, BARKETT, HULL, MARCUS and WILSON, Circuit Judges.

**BY THE COURT:**

A member of this court in active service having requested a poll on the suggestion of rehearing en banc and a majority of the judges in this court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.