

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 00-15885
Non-Argument Calendar

D. C. Docket No. 98-00962-CV-JEC-1

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MAY 08, 2001
THOMAS K. KAHN
CLERK

AT&T WIRELESS PCS, INC.,

Plaintiff-Appellant,

versus

CITY OF ATLANTA,
ATLANTA CITY COUNCIL, et al.,

Defendants-Appellees.

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

(May 8, 2001)

Before CARNES, BARKETT and WILSON, Circuit Judges.

PER CURIAM:

In *AT&T Wireless PCS, Inc. v. City of Atlanta*, 223 F.3d 1324 (11th Cir. 2000) (No. 99-12261) (“*AT&T Wireless I*”), we vacated our earlier opinion, *AT&T Wireless PCS, Inc. v. City of Atlanta*, 210 F.3d 1322 (11th Cir. 2000) (“*AT&T*

Wireless I'), and dismissed the appeal because we lacked jurisdiction over an appeal from a non-final judgment. *See AT&T Wireless II*, 223 F.3d at 1324. The parties to that appeal have since returned to district court, where the district court entered a final judgment in the case. They presently appeal the final judgment, submitting for our consideration the same issue we examined in *AT&T Wireless I*.¹ We now have jurisdiction over their appeal, and upon reconsideration, we reinstate our *AT&T Wireless I* opinion, published at 210 F.3d 1322.

Prior opinion in appeal No. 99-12261 RE-INSTATED.

VACATED and REMANDED.

¹Both parties requested that the case be re-submitted on the same briefs they had filed when the case was last before us, and without further oral argument. We granted these requests.

