

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Nos. 01-14872 & 01-15080
D. C. Docket Nos. 99-00026-CR &
01-00032-CR

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 12, 2004 THOMAS K. KAHN CLERK</p>
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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAY SCOTT BALLINGER,

Defendant-Appellant.

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

(Opinion November 21, 2002, 312 F.3d 1264, 11th Cir. 2002)

(May 12, 2004)

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

BY THE COURT:

A member of this Court in active service having requested a poll on the

*Honorable James C. Hill has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).

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 causes shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.