

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 02-15943

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 12, 2005 THOMAS K. KAHN CLERK
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D.C. Docket No. 01-07360 CV-WPD

WAYNE CHARLES OKEN,

Plaintiff-Appellant,

versus

THE MONSANTO COMPANY, THE SOLARIS GROUP,
SCOTTS COMPANY, successor in interest to Monsanto Company
and the Solaris Group, DOW AGROSCIENCES, LLC,
DOW AGROSCIENCES, as successor in interest to DowElanco,
DOWELANCO, as successor in interest to Dow Chemical Company, et al.,

Defendants-Appellees.

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

(August 12, 2005)

**On Remand from the
Supreme Court of the United States.**

Before TJOFLAT and CARNES, Circuit Judges, and CONWAY*, District Judge.

PER CURIAM:

The Supreme Court of the United States vacated the judgement of this court, 317 F.3d 1312, and remanded “for further consideration in light of Bates v. Dow Agrosciences LLC, 544 U.S. ___, 125 S. Ct. 1788, ___ L. Ed. 2d ___ (2005).” 544 U.S. ___, 125 S. Ct. 1968, ___ L. Ed. 2d ___ (2005). Pursuant to this order, we **remand** this case to the district court for further consideration in light of Bates.

* Honorable Anne C. Conway, United States District Judge for the Middle District of Florida, sitting by designation.