

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 04-12420

(D.C. Docket No. 04-00988-CV)

FILED

**U.S. COURT OF APPEALS
ELEVENTH CIRCUIT**

December 28, 2005

**THOMAS K. KAHN
CLERK**

BANKWEST, INC.,
ADVANCE AMERICA, CASH ADVANCE CENTERS OF GEORGIA, INC.,

Plaintiffs-Appellants,

COMMUNITY STATE BANK,
FIRST AMERICAN CASH ADVANCE OF GEORGIA, LLC,
CASH AMERICA FINANCIAL SERVICES, INC.,
GEORGIA CASH AMERICA, INC.,
FIRST BANK OF DELAWARE,
CREDITCORP OF GEORGIA, LLC,
COUNTY BANK OF REHOBOTH BEACH, DELAWARE,
EXPRESS CHECK ADVANCE OF GEORGIA, LLC,

Consolidated-Plaintiffs-
Appellants,

versus

THURBERT E. BAKER, Attorney General of the State of Georgia,
CATHY COX, Secretary of State, for the State of Georgia,
in their official capacities,

Defendants-Consolidated
Defendants-Appellees.

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

(Opinion June 10, 2005, 411 F.3d 1289, 11th Cir. 2005)

(December 28, 2005)

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 suggestions 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.

*Senior United States Circuit Judge James C. Hill has elected to participate in further
proceedings in this matter pursuant to 28 U.S.C. § 46(c).