

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

No. 04-13210

(D.C. Docket No. 03-00023-CV)

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT NOVEMBER 1, 2005 THOMAS K. KAHN CLERK

TANNER ADVERTISING GROUP, L.L.C.,

Plaintiff-Appellant,

versus

FAYETTE COUNTY, GEORGIA,

Defendant-Appellee.

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

(Opinion June 9, 2005, 411 F.3d 1272, 11th Cir. 2005)

(November 1, 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 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.

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