

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 05-13809

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D.C. Docket No. 04-00010-CR-E-001-MCR

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 01, 2008 THOMAS K. KAHN CLERK
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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID W. SVETE,  
RON GIRARDOT,

Defendants-Appellants.

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Appeal from the United States District Court for the  
Northern District of Florida  
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(Opinion March 26, 2008, 521 F.3d 1302, 11<sup>th</sup> Cir. 2008)

(July 1, 2008)

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

BY THE COURT:

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\*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).

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.