

PUBLISH

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14956

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT November 5, 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 07-00295-CV-MEF-WC

DANIEL LEE SIEBERT,

Plaintiff-Appellant,

versus

RICHARD ALLEN, Commissioner,
Alabama Department of Corrections,
individually and in his official capacity,
GRANTT CULLIVER, Warden, Holman
Correctional Facility, in his
individual and official capacity,

Defendants-Appellees.

On Appeal from the United States District Court
for the Middle District of Alabama

(November 5, 2007)

ON PETITION FOR REHEARING EN BANC

Before TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, BARKETT, HULL,

MARCUS, and WILSON, Circuit Judges.*

BY THE COURT:

The order granting en banc rehearing in this appeal, ___ F.3d ___, 2007 WL 3104941, dated 25 October 2007 is **VACATED**, and the case is **REMANDED** to the panel for consideration of the issues raised by State of Alabama in its Petition for Rehearing En Banc.

*Chief Judge Edmondson has not participated in this order. Judges Ed Carnes and William H. Pryor Jr. have recused themselves and have not participated.