

PUBLISH

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14956

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT October 25, 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

(October 25, 2007)

ON PETITION FOR REHEARING EN BANC

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

MARCUS, and WILSON, Circuit Judges.*

BY THE COURT:

A member of this court in active service having requested a poll on the Petition for Rehearing En Banc filed by the Defendants-Appellees on 25 October 2007, and a majority of the judges of this court in active service (available and not recused) 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 opinion and stay entered by the panel on 24 October 2007 is hereby VACATED. The en banc Court *sua sponte* hereby STAYS the execution of the Plaintiff-Appellant pending further *en banc* consideration of this case.

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