

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-10997  
\_\_\_\_\_

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
August 12, 2009  
THOMAS K. KAHN  
CLERK

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

WILLIAM IREY,

Defendant-Appellee.

-----  
On Appeal from the United States District Court for the  
Middle District of Florida  
-----

(Opinion March 30, 2009, 563 F.3d 1223, 11th Cir. 2009)

(August 12, 2009)

BEFORE: DUBINA, Chief Judge, TJOFLAT, EDMONDSON, BIRCH, 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 whether this case should be reheard by the Court sitting 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).