

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MAR 10, 2010
JOHN LEY
CLERK

No. 08-12199

(D.C. Docket No. 06-00860-CV-CG-M)

DAVID W. CORBITT,
ALEXANDER J. RAYA, JR.,

Plaintiff-Appellants,

versus

HOME DEPOT U.S.A., INC.,

Defendant-Appellee.

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

(Opinion December 4, 2009, 589 F.3d 1136, 11th Cir. 2009)

(March 10, 2010)

Before DUBINA, Chief Judge, TJOFLAT, EDMONDSON, BIRCH, BLACK, CARNES,
BARKETT, HULL, MARCUS, WILSON, PRYOR, and MARTIN, 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.