

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

\_\_\_\_\_  
No. 09-12717  
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(D.C. Docket No. 05-00369-CV-RH)

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT April 30, 2012 JOHN LEY CLERK
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MICHAEL DUANE ZACK, III,

Petitioner-Appellant,

versus

KENNETH S. TUCKER,  
PAM BONDI,

Respondents-Appellees.

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On Appeal from the United States District Court for the  
Northern District of Florida  
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(Opinion January 9, 2012, 666 F.3d 1265, 11<sup>th</sup> Cir. 2012)

(April 30, 2012)

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