

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

No. 11-41363

UNITED STATES OF AMERICA,
Plaintiff - Appellee

v.

RUBEN VARGAS-OCAMPO,
Defendant - Appellant

Appeal from the United States District Court for the
Southern District of Texas, McAllen

(Opinion March 14, 2013, 5 Cir., 2013, 711 F.3d 508)

Before STEWART, Chief Judge, KING, JOLLY, DAVIS, JONES, SMITH,
DENNIS, CLEMENT, PRADO, OWEN, ELROD, SOUTHWICK, HAYNES,
GRAVES and HIGGINSON, Circuit Judges.

BY THE COURT:

A majority of the circuit judges in regular active service and not
disqualified having voted in favor to rehear this case en banc,

IT IS ORDERED that this cause shall be reheard by the court en banc
without oral argument on a date hereafter to be fixed. Briefing instructions
will be provided in the very near future.