

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

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No. 14-10846

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UNITED STATES OF AMERICA,

Plaintiff – Appellee

v.

DAVID HEREDIA-HOLGUIN,

Defendant – Appellant

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Appeal from the United States District Court for the  
Northern District of Texas, Lubbock

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ON PETITION FOR REHEARING EN BANC  
(Opinion June 16, 2015, 5 Cir., 2015, 789 F.3d 625)

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

BY THE COURT:

A member of the court having requested a poll on the petition for rehearing en banc, and a majority of the circuit judges in regular active service and not disqualified having voted in favor,

It is ordered that this cause shall be reheard by the court en banc without oral argument on a date hereafter to be fixed. The Clerk will specify a briefing schedule for the filing of supplemental briefs.