

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 10-10676

(D.C. Docket No. 3:08-00914-VMC-MCR)

KEVIN SPENCER,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

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

(Opinion August 15, 2013, 727 F.3d 1076, 11th Cir. 2013)

(March 7, 2014)

ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

BEFORE: CARNES, Chief Judge, TJOFLAT, 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 the suggestions of rehearing 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 Phyllis A. Kravitch has elected not to participate in the en banc proceedings in this matter. See 28 U.S.C. § 46(c).