

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-14428

D. C. Docket No. 2:07-cr-14081-KMM-1

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT October 4, 2011 JOHN LEY CLERK
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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES LEVERN HUDSON,

Defendant-Appellant.

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

(Opinion May 11, 2011, 11th Cir. 2011)

(October 4, 2011)

BEFORE: DUBINA, Chief Judge, TJOFLAT, EDMONDSON, 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 the petitioner for rehearing and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

*Senior United States Circuit Judge Peter F. Fay has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).

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 Peter F. Fay has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c). 2