

ON REHEARING EN BANC

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-4

JAMES NATHANIEL BRYANT, III,

Petitioner - Appellee,

v.

WARDEN MICHAEL STEPHAN, Broad River Correctional Institution;
BRYAN P. STIRLING, Commissioner, South Carolina Department of Corrections,

Respondents - Appellants.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Bruce H. Hendricks, District Judge. (1:13-cv-02665-BHH)

Argued: October 26, 2021

Decided: November 15, 2021

Before GREGORY, Chief Judge, WILKINSON, NIEMEYER, MOTZ, KING, AGEE,
WYNN, DIAZ, FLOYD, THACKER, HARRIS, RICHARDSON, QUATTLEBAUM, and
RUSHING, Circuit Judges.

Affirmed by published per curiam opinion.

ARGUED: Michael Douglas Ross, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for Appellants. Lindsey S. Vann, JUSTICE 360, Columbia, South Carolina, for Appellee. **ON BRIEF:** Alan Wilson, Attorney General, Donald J. Zelenka, Deputy Attorney General, Melody J. Brown, Senior Assistant Deputy Attorney General, Caroline Scrantom, Assistant Attorney General, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South

Carolina, for Appellants. Elizabeth Franklin-Best, ELIZABETH FRANKLIN-BEST,
P.C., Columbia, South Carolina, for Appellee.

PER CURIAM:

On rehearing en banc, the panel opinions in *Bryant v. Stephan*, 998 F.3d 128 (4th Cir. 2021), are vacated, and the judgment of the district court is affirmed by an equally divided court.

AFFIRMED