

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

United States Court of Appeals
Fifth Circuit

FILED

July 8, 2013

Lyle W. Cayce
Clerk

No. 12-20343

Summary Calendar

DANIEL SERGIO HANSEN,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:12-CV-1056

ON PETITION FOR REHEARING

Before JOLLY, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:*

Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is GRANTED.

In supplemental briefing filed by the parties after our previous opinion on rehearing, it has come to our attention that the state courts are now moving forward with Hansen's state habeas application. In the light of that activity, we

* Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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cannot say that there is an absence of available State corrective process or that circumstances exist that render such process ineffective to protect Hansen's rights. *See* 28 U.S.C. § 2254(b)(1)(B). We therefore withdraw our previous opinions in this case and **AFFIRM** the judgment of the district court dismissing Hansen's federal habeas petition without prejudice for failure to exhaust state remedies.