

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 29, 2023

Lyle W. Cayce  
Clerk

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No. 20-61019

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CHARLES RAY CRAWFORD,

*Petitioner—Appellant,*

*versus*

BURL CAIN, *Commissioner, Mississippi Department of Corrections;*  
EARNEST LEE, *Superintendent, Mississippi State Penitentiary,*

*Respondents—Appellees.*

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 3:17-CV-105

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ON PETITION FOR REHEARING EN BANC

(Opinion December 15, 2022, 5 Cir., 2022, 55 F.4<sup>th</sup> 981, Withdrawn)  
(Opinion May 19, 2023, 5 Cir., 2023, 68 F.4<sup>th</sup> 273)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART,  
ELROD, SOUTHWICK, HAYNES, HIGGINSON, WILLETT, HO,  
DUNCAN, ENGELHARDT, OLDHAM, WILSON, and DOUGLAS,  
*Circuit Judges.*\*

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\* JUDGE JAMES E. GRAVES, JR. did not participate in the consideration of the rehearing en banc.

**PER CURIAM:**

A majority of the circuit judges in regular active service and not disqualified having voted in favor, on the Court's own motion, to rehear this case en banc,

IT IS ORDERED that this cause shall be reheard by the court en banc with oral argument on a date hereafter to be fixed. The Clerk will specify a briefing schedule for the filing of supplemental briefs. Pursuant to 5th Circuit Rule 41.3, the panel opinion in this case dated May 19, 2023, is VACATED.