

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60511

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HOWARD MONTEVILLE NEAL

Petitioner-Appellant

versus

STEVE W. PUCKETT, Commissioner, Mississippi Department of  
Corrections; JAMES ANDERSON, Superintendent, Mississippi State  
Penitentiary

Respondents-Appellees

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Appeal from the United States District Court for the  
Southern District of Mississippi  
- - - - -

ON PETITIONS FOR REHEARING AND REHEARING EN BANC

(Opinion January 18, 2001, 5 Cir., 2001, \_\_\_\_\_F.3d\_\_\_\_\_)

(September 5, 2001)

Before KING, Chief Judge, JOLLY, HIGGINBOTHAM, DAVIS, JONES,  
SMITH, WIENER, BARKSDALE, EMILIO M. GARZA, DeMOSS,  
BENAVIDES, STEWART, PARKER, and DENNIS, Circuit Judges.

BY THE COURT:

A member of the Court in active service having requested  
a poll on the petition for rehearing en banc and a majority of  
the judges in active service having voted in favor of granting a  
rehearing en banc,

IT IS ORDERED that this cause shall be reheard by the  
court en banc without oral argument. The Clerk will specify a  
briefing schedule for the filing of supplemental briefs.