

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 12-14989  
Non-Argument Calendar

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D.C. Docket No. 5:09-cv-00110-WTH-PRL

DAN CARMICHAEL MCCARTHAN,

Petitioner - Appellant,

versus

WARDEN, FCI ESTILL,

Respondent - Appellee.

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Appeal from the United States District Court  
for the Middle District of Florida

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Before ED CARNES, Chief Judge, TJOFLAT, HULL, MARCUS, WILSON,  
WILLIAM PRYOR, MARTIN, JORDAN, ROSENBAUM, JULIE CARNES, and  
JILL PRYOR, Circuit Judges.

BY THE COURT:

A member of this Court in active service having requested a poll on whether  
this case should be reheard en banc, and a majority of the judges of this Court in

active service having voted in favor of granting rehearing en banc, it is ORDERED that this case will be reheard en banc. The panel's opinion is VACATED.