

364 F.3d 1298 (2004)

**Peter EVANS, Detree Jordan, Plaintiffs-Appellees,  
v.  
CITY OF ZEBULON, GA, Robert Loomis, individually and in his official  
capacity as Police Chief of the City of Zebulon, GA,  
Defendants, 1299\*1299  
Denis Stephens, Defendant-Appellant.**

[No. 02-16424.](#)

**United States Court of Appeals, Eleventh Circuit.**

March 31, 2004.

Richard A. Carothers, Thomas M. Mitchell, Carothers & Mitchell, LLC, Buford, GA, for Stephens.

Dovre Christian Jensen, Law Office of Chris Jensen, Norman J. Slawsky, Jacobs & Slawsky, P.A., Clark E. Gulley, Atlanta, GA, Thomas F. Richardson, Norman Carter Pearson, III, Chambliss, Higdon & Carson, Macon, GA, Laurel E. Henderson, Laurel E. Henderson, P.C., Decatur, GA, for Plaintiffs-Appellees.

Before EDMONDSON, Chief Judge, and TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT, HULL, MARCUS, WILSON and PRYOR, Circuit Judges.

BY THE COURT:

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

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.