

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

No. 12-70019

YOKAMON LANEAL HEARN,

Petitioner - Appellant

v.

RICK THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court for the
Northern District of Texas, Dallas

ON MOTION FOR HEARING EN BANC

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

- (X) No member of the panel nor judge in regular active service on the court having requested that the court be polled on Hearing En Banc, (FED. R. APP. P. and 5TH CIR. R. 35) the Motion for Hearing En Banc is DENIED.

() The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor, (FED. R. APP. P. and 5TH CIR. R. 35) the Motion for Hearing En Banc is DENIED.

ENTERED FOR THE COURT:

/S/ EDITH BROWN CLEMENT
United States Circuit Judge