

File Name: 05a0126p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

YERVIN K. BARNETT,

Defendant-Appellant.

No. 04-5252

Filed: March 9, 2005

Before: BOGGS, Chief Judge; MARTIN, Circuit Judge; and GWIN, District Judge.*

ORDER

Pursuant to Sixth Circuit I.O.P. 35(c), less than a majority of the Judges of this Court in regular active service having voted to grant the request of a member of the Court for rehearing of this case en banc, the request for rehearing has been referred to the original panel.

The panel concludes that the issues raised in the request were fully considered upon the original submission and decision of the case. Accordingly, rehearing is denied.

The appellee's motion for an extension of time to file a petition for rehearing en banc is denied.

ENTERED BY ORDER OF THE COURT

/s/ Leonard Green

Clerk

* The Honorable James Gwin, United States District Judge for the Northern District of Ohio, sitting by designation.