

RECOMMENDED FOR PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 22a0262p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

WILLIAM GLENN ROGERS,

Petitioner-Appellant,

v.

TONY MAYS, Warden,

Respondent-Appellee.

No. 19-5427

On Petition for Rehearing En Banc

United States District Court for the Middle District of Tennessee at Nashville;
No. 3:13-cv-00141—Waverly D. Crenshaw, Jr., District Judge.

Decided and Filed: December 6, 2022

Before: SUTTON, Chief Judge; MOORE, COLE, CLAY, GIBBONS,
GRIFFIN, KETHLEDGE, STRANCH, THAPAR, BUSH, LARSEN,
NALBANDIAN, READLER, MURPHY, DAVIS, and MATHIS, Circuit Judges.

COUNSEL

ON PETITION FOR REHEARING EN BANC: J. Matthew Rice, OFFICE OF THE TENNESSEE ATTORNEY GENERAL, Nashville, Tennessee, for Appellee. **ON RESPONSE:** Kelley J. Henry, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Nashville, Tennessee, Kimberly S. Hodde, HODDE & ASSOCIATES, Nashville, Tennessee, for Appellant.

ORDER

A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Sixth Circuit Rule 35(b) provides as follows:

The effect of the granting of a hearing en banc shall be to vacate the previous opinion and judgment of this court, to stay the mandate and to restore the case on the docket sheet as a pending appeal.

Accordingly, it is ORDERED, that the previous decision and judgment of this court are vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument as soon as possible.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

Deborah S. Hunt, Clerk