

May 5, 2010

Elisabeth A. Shumaker
Clerk of Court

PUBLISH

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY SCOTT COBB,

Defendant - Appellant.

No. 08-1213

(D.C. No. 1:99-CR-00109-LTB-1)

ORDER

Before **BRISCOE**, Chief Judge, and **HOLLOWAY, MCKAY, TACHA, KELLY, LUCERO, MURPHY, HARTZ, O'BRIEN, TYMKOVICH, GORSUCH,** and **HOLMES**, Circuit Judges*.

On February 17, 2010, the court issued an order granting the United States' *Petition For Rehearing En Banc*. Having now heard oral argument in the matter, the court, with Judge Hartz dissenting, has voted to vacate the February 17, 2010 order granting rehearing en banc. Consequently, our February 17, 2010 order is VACATED. The original panel opinion remains in effect and the judgment which issued originally on

*Judge Robert H. Henry did not participate in the court's disposition of this en banc proceeding. Judge William J. Holloway and Judge Monroe G. McKay elected to participate as members of the original hearing panel. *See* 10th Cir. R. 35.5.

October 26, 2009, is reinstated. *See* 10th Cir. R. 35.6. The clerk is directed to issue the mandate forthwith.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a light-colored background.

ELISABETH A. SHUMAKER
Clerk of Court