[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 08-16070 & 09-12867
Non-Argument Calendar

D. C. Docket Nos. 1:07-cv-01226-SLB
& 1:07-cv-01226-SLB

CATHY JEAN PETERS,

Plaintiff-Appellant,

versus

HARTFORD LIFE & ACCIDENT INSURANCE COMPANY,

Defendant-Appellee,

WAL-MART STORES, INC.,

Defendant.

Appeals from the United States District Court
for the Northern District of Alabama

(September 10, 2014)

Before TJOFLAT, HULL and ROSENBAUM, Circuit Judges.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
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PER CURIAM:

On February 24, 2010, in a brief per curiam opinion issued by Judge Tjoflat, Judge Hull, and Judge Fay, this Court affirmed the district court's (1) dismissal of defendant Wal-Mart Stores, Inc. as a defendant in this case, (2) grant of summary judgment in favor of defendant Hartford Life and Accident Insurance Company on plaintiff-appellant Cathy Jean Peters' pro se complaint, and (3) denial of plaintiff-appellant Peters' post-judgment motions. No petition for rehearing was filed.

On April 1, 2014, Judge Fay recused himself and directed the Clerk to inform the parties that he had just become aware that a conflict of interest existed at the time he participated on the panel in this case. In accordance with Advisory Opinion No. 71, 2B Guide to Judiciary Policy, Ch. 2 § 220 (June 2009), the parties were invited to respond.

In a letter dated April 18, 2014, counsel for the defendants Wal-Mart and Hartford confirmed receipt of notice of the conflict and advised they do not seek any further relief. On May 1, 2014, plaintiff-appellant Peters filed a pro se, one-page letter (dated April 29, 2014), which response, liberally construed, asks this Court to reconsider and vacate its February 24, 2010 decision in light of the conflict.

Upon reconstitution of the panel in light of Judge Fay's recusal and upon consideration of plaintiff-appellant's May 1, 2014 response, the Court recalls its

mandate and vacates its prior February 24, 2010 opinion and judgment. And after having reviewed plaintiff-appellant's May 1, 2014 response, the plaintiff-appellant's pro se brief filed on August 13, 2009, the defendant-appellee's brief filed on August 26, 2009, plaintiff-appellant's pro se reply brief filed on September 11, 2009, and the district court's decisions, the newly constituted panel finds no reversible error in the district court's decisions listed above. Accordingly, the district court's decisions are affirmed.

AFFIRMED.