

IN THE COURT OF APPEALS OF TENNESSEE  
MIDDLE SECTION AT NASHVILLE

**FILED**  
November 19, 1997  
Cecil W. Crowson  
Appellate Court Clerk

GARY W. PHELPS, )  
)  
Plaintiff/Appellant, )  
)  
VS. )  
)  
TENNESSEE BOARD OF PAROLES, )  
ET AL., )  
Defendants/Appellees. )

Davidson Chancery  
No. 95-1892-III  
Appeal No.  
01A01-9603-CH-00103

**ORDER**

The Tennessee Board of Paroles has filed a petition for rehearing pointing out that this court's October 22, 1997 opinion relies upon outdated regulations. We have determined that the motion is well-taken.

It is, therefore, ordered that this court's opinion filed on October 22, 1997 be and is hereby withdrawn and replaced with the opinion filed contemporaneously with this order.

ENTER, this \_\_\_\_\_ day of November, 1997.

\_\_\_\_\_  
HENRY F. TODD, PRESIDING JUDGE  
MIDDLE SECTION

\_\_\_\_\_  
SAMUEL L. LEWIS, JUDGE

\_\_\_\_\_  
WILLIAM C. KOCH, JR., JUDGE