

FILED
United States Court of Appeals
Tenth Circuit

PUBLISH

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 25, 2021

Christopher M. Wolpert
Clerk of Court

MARK E. SCHELL,

Plaintiff - Appellant.

v.

THE CHIEF JUSTICE AND JUSTICES
OF THE OKLAHOMA SUPREME
COURT; THE MEMBERS OF THE
OKLAHOMA BAR ASSOCIATION'S
BOARD OF GOVERNORS; JOHN M.
WILLIAMS, Executive Director,
Oklahoma Bar Association, all in their
official capacities,

Defendants - Appellees.

No. 20-6044
(D.C. No. 5:19-CV-00281-HE)
(W.D. Okla.)

ORDER

Before **HARTZ, EBEL**, and **McHUGH**, Circuit Judges.

This matter is before the court on the Petition for Panel Rehearing or Rehearing En Banc (“Petition”) filed by Appellant. We also have a response from Appellees.

Pursuant to Federal Rule of Appellate Procedure 40, the petition for panel rehearing is granted, in part, to the extent of the modifications in the attached revised opinion. It is denied in all other respects.

The court's June 29, 2021, opinion is withdrawn and replaced by the attached revised opinion, which will be filed as of today's date. Because the panel's decision to partially grant rehearing does not affect the outcome of this appeal, Appellant may not file a second or successive rehearing petition. *See* 10th Cir. R. 40.3.

The Petition was transmitted to all non-recused judges of the court who are in regular active service. As no member of the panel and no judge in regular active service requested that the court be polled, the request for rehearing en banc is denied. *See* Fed. R. App. P. 35(f).

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal flourish extending to the right.

CHRISTOPHER M. WOLPERT, Clerk