

REVISED

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

July 26, 2017

Lyle W. Cayce
Clerk

No. 12-50217

JESUS C. HERNANDEZ, Individually and as the surviving father of Sergio Adrian Hernandez Guereca, and as Successor-in-Interest to the Estate of Sergio Adrian Hernandez Guereca; MARIA GUADALUPE GUERECA BENTACOUR, Individually and as the surviving mother of Sergio Adrian Hernandez Guereca, and as Successor-in-Interest to the Estate of Sergio Adrian Hernandez,

Plaintiffs – Appellants

v.

JESUS MESA, JR.,

Defendant – Appellee

Appeal from the United States District Court for the
Western District of Texas, El Paso

ON REMAND FROM THE UNITED STATES SUPREME COURT

(Opinion June 30, 2014, 5 Cir., 2014, 757 F.3d 249)

(Opinion on En Banc Rehearing April 24, 2015, 5 Cir., 2015, 785 F.3d 117)

Before STEWART, Chief Judge, JOLLY, DAVIS, JONES, SMITH, DENNIS, CLEMENT, PRADO, OWEN, ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON and COSTA, Circuit Judges.

BY THE COURT:

IT IS ORDERED that this cause shall be reheard by the court en banc with oral argument on September 20, 2017. Briefing instructions will follow in a separate court directive.