

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

March 11, 2009

\_\_\_\_\_  
No. 07-30443  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

JOHN THOMPSON

Plaintiff-Appellee

vs.

HARRY F. CONNICK, in his official capacity as District Attorney;  
ERIC DUBELIER, in his official capacity as Assistant District  
Attorney; JAMES WILLIAMS, in his official capacity as Assistant  
District Attorney; EDDIE JORDAN, in his official capacity as  
Assistant District Attorney; ORLEANS PARISH DISTRICT ATTORNEY'S  
OFFICE

Defendants-Appellants

- - - - -  
Appeal from the United States District Court for the  
Eastern District of Louisiana  
- - - - -

ON PETITION FOR REHEARING  
AND  
PETITION FOR REHEARING EN BANC

(Opinion December 19, 2008, 5 Cir., 2008, \_\_\_\_F.3d\_\_\_\_)

(March 11, 2009)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, SMITH, WIENER,  
BARKSDALE, GARZA, BENAVIDES, STEWART, CLEMENT, PRADO,  
OWEN, ELROD, SOUTHWICK and HAYNES, Circuit Judges.<sup>1</sup>

BY THE COURT:

A member of the Court in active service having requested  
a poll on the petition for rehearing en banc and a majority of  
the judges in active service having voted in favor of granting a  
rehearing en banc,

IT IS ORDERED that this cause shall be reheard by the  
court en banc with oral argument on a date hereafter to be fixed.  
The Clerk will specify a briefing schedule for the filing of  
supplemental briefs.

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<sup>1</sup>Judge Dennis is recused and did not participate in this  
decision.

