

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUITUnited States Court of Appeals  
Fifth Circuit**FILED**

January 26, 2011

Lyle W. Cayce  
ClerkRICHARD FRAME; WENDELL DECKER; SCOTT UPDIKE; J N, a minor, by his  
next friend and mother Gabriela Castro; MARK HAMMAN; JOEY SALAS

Plaintiffs - Appellants

vs.

CITY OF ARLINGTON, A Municipal Corporation

Defendant - Appellee

- - - - -  
Appeals from the United States District Court for the  
Northern District of Texas  
- - - - -

## ON PETITION FOR REHEARING EN BANC

(Opinion July 7, 2009, 5 Cir., 2009, \_\_\_\_ F.3d \_\_\_\_ )  
(Opinion on Panel Rehearing, August 23, 2010,  
5 Cir., 2010, \_\_\_\_ F.3d \_\_\_\_ )

(January 26, 2011)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, SMITH, GARZA,  
BENAVIDES, STEWART, DENNIS, CLEMENT, PRADO, OWEN, ELROD,  
SOUTHWICK and HAYNES, Circuit Judges.

BY THE COURT:

A member of the court having requested a poll on the  
petition for rehearing en banc, and a majority of the circuit  
judges in regular active service and not disqualified having  
voted in favor,

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.