

REVISED 10/26/10

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 1, 2010

No. 09-30036

Lyle W. Cayce
Clerk

OREN ADAR, Individually and as Parent and Next Friend of J C A!S
a minor; MICKEY RAY SMITH, Individually and as Parent and Next
Friend of J C A!S a minor

Plaintiffs ! Appellees

vs.

DARLENE W SMITH, In Her Capacity as State Registrar and Director,
Office of Vital Records and Statistics, State of Louisiana
Department of Health and Hospitals

Defendant ! Appellant

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

ON PETITION FOR REHEARING EN BANC

(Opinion February 18, 2010, 5 Cir., 2010, _____F.3d_____)
(Revised Opinion March 5, 2010, 5 Cir., 2010, _____F.3d_____)

(October 1, 2010)

BEFORE: JONES, Chief Judge, JOLLY, DAVIS, SMITH, WIENER, GARZA,
BENAVIDES, STEWART, DENNIS, CLEMENT, PRADO, OWEN, ELROD,
SOUTHWICK and HAYNES, Circuit Judges.¹

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 issue a supplemental briefing schedule in the near
future.

¹Judge King did not participate.