

# United States Court of Appeals for the Fifth Circuit

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 30, 2021

Lyle W. Cayce  
Clerk

STATE OF TEXAS; STATE OF LOUISIANA,

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No. 21-40618

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*Plaintiffs—Appellees,*

*versus*

UNITED STATES OF AMERICA; ALEJANDRO MAYORKAS,  
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;  
UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TROY  
MILLER, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER  
PROTECTION, IN HIS OFFICIAL CAPACITY; UNITED STATES  
CUSTOMS AND BORDER PROTECTION; TAE D. JOHNSON,  
ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT, IN HIS OFFICIAL CAPACITY; UNITED STATES  
IMMIGRATION AND CUSTOMS ENFORCEMENT; UR M. JADDOU,  
DIRECTOR OF THE U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES; UNITED STATES CITIZENSHIP AND IMMIGRATION  
SERVICES,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 6:21-CV-16

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ON PETITION FOR REHEARING EN BANC

(Opinion September 15, 2021, 5 Cir., 2021, 14 F.4TH 332)

Before OWEN, *Chief Judge*, and JONES, SMITH, STEWART, DENNIS, ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA, WILLETT, Ho, DUNCAN, ENGELHARDT, OLDHAM, and WILSON, *Circuit Judges*.

PER CURIAM:

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. Pursuant to 5th Circuit Rule 41.3, the panel opinion in this case dated September 15, 2021, is VACATED.