

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2023

Lyle W. Cayce
Clerk

No. 21-60766

WAGES AND WHITE LION INVESTMENTS, L.L.C., *doing business as*
TRITON DISTRIBUTION,

Petitioner,

versus

FOOD & DRUG ADMINISTRATION,

Respondent,

CONSOLIDATED WITH

No. 21-60800

WAGES AND WHITE LION INVESTMENTS, L.L.C., *doing business as*
TRITON DISTRIBUTION; VAPETASIA, L.L.C.,

Petitioners,

versus

FOOD & DRUG ADMINISTRATION,

Respondent.

Petitions for Review from an Order of the
Food & Drug Administration
Agency No. 21 USC 3871
Agency No. PM0003531

ON PETITION FOR REHEARING EN BANC

(Opinion July 18, 2022, 5 CIR., 2022, 41 F.4th 427)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART,
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT,
HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, and DOUGLAS,
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 July 18, 2022, is VACATED.