

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

November 28, 2023

Lyle W. Cayce  
Clerk

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No. 23-40582

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HONORABLE TERRY PETTEWAY; HONORABLE DERRICK ROSE;  
HONORABLE PENNY POPE,

*Plaintiffs—Appellees,*

*versus*

GALVESTON COUNTY, TEXAS; MARK HENRY, *in his official capacity  
as Galveston County Judge*; DWIGHT D. SULLIVAN, *in his official capacity  
as Galveston County Clerk,*

*Defendants—Appellants,*

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

GALVESTON COUNTY, TEXAS; GALVESTON COUNTY  
COMMISSIONERS COURT; MARK HENRY, *in his official capacity as  
Galveston County Judge,*

*Defendants—Appellants,*

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DICKINSON BAY AREA BRANCH NAACP; GALVESTON BRANCH

No. 23-40582

NAACP; MAINLAND BRANCH NAACP; GALVESTON LULAC  
COUNCIL 151; EDNA COURVILLE; JOE A. COMPIAN; LEON  
PHILLIPS,

*Plaintiffs—Appellees,*

*versus*

GALVESTON COUNTY, TEXAS; MARK HENRY, *in his official capacity  
as Galveston County Judge*; DWIGHT D. SULLIVAN, *in his official capacity  
as Galveston County Clerk,*

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 3:22-CV-57  
USDC No. 3:22-CV-93  
USDC No. 3:22-CV-117

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ON PETITION FOR REHEARING EN BANC

(Opinion November 10, 2023, 5 Cir., 2023, 86 F.4th 214 )

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 majority of the circuit judges in regular active service and not  
disqualified having voted in favor, on the Court's own motion, to rehear this  
case en banc,

No. 23-40582

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 November 10, 2023, is VACATED.