

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

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,

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.