

**FILED**

October 4, 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, KING, JOLLY, DAVIS, SMITH, WIENER,  
GARZA, BENAVIDES, STEWART, DENNIS, CLEMENT, PRADO, OWEN,  
ELROD, SOUTHWICK and HAYNES, Circuit Judges.

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.