

August 20, 2003

Charles R. Fulbruge III  
Clerk

**REVISED AUGUST 25, 2003**  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-30318

---

THEODORE JOHNSON

Plaintiff-Appellee

versus

LOUISIANA DEPARTMENT OF EDUCATION; ET AL

Defendants

LOUISIANA DEPARTMENT OF EDUCATION; STATE OF LOUISIANA; PRESIDENT  
OF LOUISIANA STATE UNIVERSITY SYSTEM; BOARD OF REGENTS

Defendants-Appellants

---

No. 02-30369

---

LYNN AUGUST

Plaintiff-Appellee

versus

SUZANNE MITCHELL; MAE NELSON; ED BARRAS; DEPARTMENT OF SOCIAL  
SERVICES, for the State of Louisiana

Defendants-Appellants

- - - - -  
Appeals from the United States District Court for the  
Eastern District of Louisiana  
- - - - -

ON PETITION FOR REHEARING EN BANC  
(Opinion May 5, 2003, 5 Cir., 2003, \_\_\_\_\_F.3d\_\_\_\_\_)

(August 20, 2003)

BEFORE: KING, Chief Judge, JOLLY, HIGGINBOTHAM, DAVIS, JONES, SMITH, WIENER, BARKSDALE, EMILIO M. GARZA, DeMOSS, BENAVIDES, STEWART, DENNIS, CLEMENT and PRADO, Circuit Judges.

BY THE COURT:

A member of the Court in active service has requested a poll on the petition for rehearing en banc filed by appellee Theodore Johnson and a majority of the judges in active service have voted in favor of granting a rehearing en banc. Further, a majority of judges in active service have determined, on the Court's own motion, to rehear en banc the consolidated case, ***Lynn August vs. Suzanne Mitchell, Et Al.***

Accordingly, IT IS ORDERED that these cases shall be reheard by the court en banc. No decision has yet been made with respect to oral argument. The Clerk will specify a briefing schedule for the filing of supplemental briefs.