

March 1, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50230

COMMUNICATIONS WORKERS OF AMERICA; URBANO HERRERA
Plaintiffs-Appellees

versus

ECTOR COUNTY HOSPITAL DISTRICT, doing business as Medical Center
Hospital, ET AL
Defendants

ECTOR COUNTY HOSPITAL DISTRICT, doing business as Medical Center
Hospital
Defendant-Appellant

- - - - -
Appeal from the United States District Court for the
Western District of Texas
- - - - -

ON PETITION FOR REHEARING EN BANC

(Opinion December 1, 2004, 5 Cir., 2004, _____F.3d_____)

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

BY THE COURT:

A member of the Court in active service having requested
a poll on the petition for rehearing en banc and a majority of
the judges in active service having voted in favor of granting a
rehearing 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.