

August 17, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20578

KENNETH M. MORRIS,

Plaintiff-Appellant,

versus

EQUIFAX INFORMATION SERVICES, LLC; ET AL,

Defendants,

EQUIFAX INFORMATION SERVICES, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas, Houston

ON PETITION FOR REHEARING

Before GARWOOD, HIGGINBOTHAM, and CLEMENT, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is granted, and our prior opinion herein issued July 24, 2006 is hereby modified, to the extent set forth below and not otherwise.

The sentence in our July 24, 2006 opinion reading

"The district court had jurisdiction based on diversity of citizenship, 28 U.S.C. § 1332, and we have

jurisdiction under 28 U.S.C. § 1291."

is hereby withdrawn and is replaced by the following:

"The district court had jurisdiction under 28 U.S.C. § 1331 and 15 U.S.C. § 1681p, and we have jurisdiction under 28 U.S.C. § 1291."

In all other respects the motion for rehearing is denied and our July 24, 2006 opinion, as hereinabove modified, remains in full force and effect.