

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

February 25, 2021

Lyle W. Cayce  
Clerk

---

No. 18-11368

---

SHANNON DAVES; SHAKENA WALSTON; ERRIYAH BANKS;  
DESTINEE TOVAR; PATROBA MICHIEKA; JAMES THOMPSON, ON  
BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY  
SITUATED; FAITH IN TEXAS; TEXAS ORGANIZING PROJECT  
EDUCATION FUND,

*Plaintiffs—Appellants Cross-Appellees,*

*versus*

DALLAS COUNTY, TEXAS; ERNEST WHITE, 194TH; HECTOR  
GARZA, 195TH; RAQUEL JONES, 203RD; TAMMY KEMP, 204TH;  
JENNIFER BENNETT, 265TH; AMBER GIVENS-DAVIS, 282ND;  
LELA MAYS, 283RD; STEPHANIE MITCHELL, 291ST; BRANDON  
BIRMINGHAM, 292ND; TRACY HOLMES, 363RD; TINA YOO  
CLINTON, NUMBER 1; NANCY KENNEDY, NUMBER 2; GRACIE  
LEWIS, NUMBER 3; DOMINIQUE COLLINS, NUMBER 4; CARTER  
THOMPSON, NUMBER 5; JEANINE HOWARD, NUMBER 6; CHIKA  
ANYIAM, NUMBER 7 JUDGES OF DALLAS COUNTY, CRIMINAL  
DISTRICT COURTS,

*Defendants—Appellees Cross-Appellants,*

MARIAN BROWN; TERRIE MCVEA; LISA BRONCHETTI; STEVEN  
AUTRY; ANTHONY RANDALL; JANET LUSK; HAL TURLEY,  
DALLAS COUNTY MAGISTRATES; DAN PATTERSON, NUMBER 1;  
JULIA HAYES, NUMBER 2; DOUG SKEMP, NUMBER 3; NANCY  
MULDER, NUMBER 4; LISA GREEN, NUMBER 5; ANGELA KING,

NUMBER 6; ELIZABETH CROWDER, NUMBER 7; CARMEN WHITE,  
NUMBER 8; PEGGY HOFFMAN, NUMBER 9; ROBERTO CANAS, JR.,  
NUMBER 10; SHEQUITTA KELLY, NUMBER 11 JUDGES OF DALLAS  
COUNTY, CRIMINAL COURTS AT LAW,

*Defendants—Appellees,*

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:18-CV-154

---

ON PETITIONS FOR REHEARING  
AND REHEARING EN BANC

(Opinion December 28, 2020, 5 CIR., 2020, 984 F.3D 381)

Before OWEN, *Chief Judge*, and JONES, SMITH, STEWART, DENNIS,  
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA,  
WILLETT, HO, DUNCAN, ENGELHARDT, and WILSON, *Circuit*  
*Judges*.<sup>1</sup>

PER CURIAM:

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 specify a briefing schedule for the filing of supplemental briefs. Pursuant to

---

<sup>1</sup>Judge Oldham is recused and did not participate in this decision.

5<sup>th</sup> Cir.R.41.3, the panel opinion in this case dated December 28, 2020, is vacated.

IT IS FURTHER ORDERED that the petition for rehearing is denied as moot.