

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 15-40596  
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United States Court of Appeals  
Fifth Circuit

**FILED**

June 30, 2017

Lyle W. Cayce  
Clerk

JOHN PAUL GALBRAITH,

Petitioner - Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:11-CV-756  
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Before HIGGINBOTHAM, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:\*

The Court *sua sponte* vacates the November 22, 2016 order denying petitioner's motion for reconsideration of his motion for certificate of appealability (COA), styled as "Petition for Rehearing En Banc With Suggestions in Support," and hereby GRANTS reconsideration. The Court further directs that petitioner's unfiled second "Request to File a Petition for Rehearing En Banc Out of Time" be treated as a supplemental brief in support

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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of a COA. Accordingly, we DENY “Petitioner’s Letter Request to File Rehearing En Banc Out of Time” as moot. We GRANT a COA for issue (1) that a juror was biased and trial and appellate counsel were ineffective for failing to raise the issue. We affirm the DENIAL of a COA as to all remaining issues. The clerk is directed to issue a briefing notice.