

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

October 31, 2024

Lyle W. Cayce  
Clerk

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No. 23-30294

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PLAQUEMINES PARISH,

*Plaintiff—Appellee,*

LOUISIANA STATE; LOUISIANA DEPARTMENT OF NATURAL  
RESOURCES, *Office of Coastal Management, Thomas F. Harris, Secretary,*

*Intervenors—Appellees,*

*versus*

BP AMERICA PRODUCTION COMPANY, *As Successor in Interest to*  
AMOCO PRODUCTION COMPANY; BURLINGTON RESOURCES OIL  
& GAS COMPANY, L.P.; CHEVRON USA, INCORPORATED, *As*  
*Successor in Interest to* CHEVRON OIL COMPANY, THE CALIFORNIA  
COMPANY and GULF OIL CORPORATION; EXXON MOBIL  
CORPORATION, *As Successor in Interest to* THE SUPERIOR OIL  
COMPANY; SHELL OFFSHORE, INCORPORATED; SHELL OIL  
COMPANY; CHEVRON U.S.A. HOLDINGS, INCORPORATED, *As*  
*Successor in Interest to* TEXACO E&P INCORPORATED. and TEXACO  
INCORPORATED; TEXAS COMPANY; CHEVRON PIPE LINE  
COMPANY, *As Successor in Interest to* GULF REFINING COMPANY,

*Defendants—Appellants,*

CONSOLIDATED WITH

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No. 23-30422

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No. 23-30294  
c/w No. 23-30422

PARISH OF CAMERON,

*Plaintiff—Appellee,*

STATE OF LOUISIANA, *ex rel, on behalf of* JEFF LANDRY; STATE OF  
LOUISIANA, *on behalf of Louisiana Department of Natural Resources, on*  
*behalf of Office of Coastal Management, on behalf of Thomas F. Harris,*

*Intervenor Plaintiffs—Appellees,*

*versus*

BP AMERICA PRODUCTION COMPANY; CHEVRON U.S.A.  
INCORPORATED, OWN CAPACITY & *as successor in interest, on behalf of*  
CALIFORNIA COMPANY; SHELL OIL COMPANY; SWEPI, L.P.,

*Defendants—Appellants.*

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Appeals from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:18-CV-5256

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ON PETITIONS FOR REHEARING  
AND REHEARING EN BANC

Before DAVIS, ENGELHARDT, and OLDHAM, *Circuit Judges*.\*

PER CURIAM:

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\* Judges Jerry E. Smith, Catharina Haynes, James C. Ho, and Dana M. Douglas,  
did not participate in the consideration of the rehearing en banc.

No. 23-30294  
c/w No. 23-30422

The petition for panel rehearing is DENIED. The petition for rehearing en banc is DENIED because, at the request of one of its members, the court was polled, and a majority did not vote in favor of rehearing (FED. R. APP. P. 35 and 5TH CIR. R. 35).

In the en banc poll, six judges voted in favor of rehearing (Judges Jones, Richman, Willett, Duncan, Oldham, and Wilson), and seven judges voted against rehearing (Chief Judge Elrod and Judges Stewart, Southwick, Graves, Higginson, Engelhardt, and Ramirez).