

# United States Court of Appeals for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

April 22, 2025

Lyle W. Cayce  
Clerk

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No. 23-30825

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KENTRELL PARKER, *on behalf of themselves and all others similarly situated*; FARRELL SAMPIER, *on behalf of themselves and all others similarly situated*; REGINALD GEORGE; JOHN TONUBBEE, *on behalf of themselves and all others similarly situated*; OTTO BARRERA, *on behalf of themselves and all others similarly situated*; CLYDE CARTER, *on behalf of themselves and all others similarly situated*; EDWARD GIOVANNI, *on behalf of themselves and all others similarly situated*; RICKY D. DAVIS, *on behalf of themselves and all others similarly situated*; LIONEL TOLBERT, *on behalf of themselves and all others similarly situated*; RUFUS WHITE, *on behalf of themselves and all others similarly situated*; SHANNON HURD; ALTON ADAMS; IAN CAZENAVE; EDWARD WASHINGTON; ALTON BATISTE,

*Plaintiffs—Appellees,*

*versus*

TIM HOOPER, *Warden, Louisiana State Penitentiary, in his official capacity*; ASHLI OLIVEAUX, *Assistant Warden for Health Services, in her official capacity*; GARY WESTCOTT, *Secretary, Louisiana Department of Public Safety and Corrections*; RANDY LAVESPERE, *Medical Doctor*; STACYE FALGOUT; PAUL TOCE; BILL HAWKINS; CYNTHIA PARK, ACNP; THE LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:15-CV-318

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ON PETITION FOR REHEARING EN BANC

(Opinion February 12, 2025, 5 CIR., 2025, 128 F. 4TH 691)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART,  
RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON,  
WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON,  
DOUGLAS, and RAMIREZ, *Circuit Judges*.

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 5<sup>th</sup> Circuit Rule 41.3, the panel opinion in this case dated February 12, 2025, is VACATED.