

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 29, 2025

Lyle W. Cayce  
Clerk

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No. 23-20165

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BAY AREA UNITARIAN UNIVERSALIST CHURCH; DRINK  
HOUSTON BETTER, L.L.C., *doing business as* ANTIDOTE COFFEE;  
PERK YOU LATER, L.L.C.,

*Plaintiffs—Appellants,*

*versus*

HARRIS COUNTY DISTRICT ATTORNEY KIM OGG; COUNTY  
SHERIFF ED GONZALEZ; WEBSTER ACTING CHIEF PETE BACON;  
CHIEF OF HOUSTON POLICE DEPARTMENT J. NOE DIAZ,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:20-CV-3081

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ON PETITIONS FOR REHEARING EN BANC

(Opinion April 09, 2025, 5 Cir., 2025, WL 1066187)

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 petitions 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 5th Circuit Rule 41.3, the panel opinion in this case dated April 09, 2025, is VACATED.