

United States Court of Appeals  
for the Fifth Circuit

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No. 24-50149

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 29, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

STATE OF TEXAS; GREG ABBOTT, *in his official capacity as Governor of Texas*; TEXAS DEPARTMENT OF PUBLIC SAFETY; FREEMAN F. MARTIN, *in his official capacity as Director of Texas Department of Public Safety*,

*Defendants—Appellants,*

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LAS AMERICAS IMMIGRANT ADVOCACY CENTER; AMERICAN GATEWAYS; COUNTY OF EL PASO, TEXAS,

*Plaintiffs—Appellees,*

*versus*

FREEMAN F. MARTIN, *in his official capacity as Director of the State of Texas Department of Public Safety*,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:24-CV-8  
USDC No. 1:23-CV-1537

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ON PETITION FOR REHEARING EN BANC

(Opinion July 3, 2025, 5 Cir., 2025, 144 F.4<sup>th</sup> 632)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART,  
RICHTMAN, 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 July 3, 2025, is VACATED.