

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

October 2, 2025

Lyle W. Cayce  
Clerk

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No. 24-60231

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AIRLINES FOR AMERICA; ALASKA AIRLINES, INCORPORATED;  
AMERICAN AIRLINES, INCORPORATED; DELTA AIR LINES,  
INCORPORATED; HAWAIIAN AIRLINES, INCORPORATED;  
JETBLUE AIRWAYS CORPORATION; UNITED AIRLINES,  
INCORPORATED; NATIONAL AIR CARRIER ASSOCIATION;  
INTERNATIONAL AIR TRANSPORT ASSOCIATION,

*Petitioners,*

*versus*

DEPARTMENT OF TRANSPORTATION,

*Respondent,*

CONSOLIDATED WITH

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No. 24-60373

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SPIRIT AIRLINES, INCORPORATED,

*Petitioner,*

*versus*

UNITED STATES DEPARTMENT OF TRANSPORTATION,

*Respondent.*

No. 24-60231  
c/w No. 24-60373

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Petition for Review from an Order of the  
Department of Transportation  
Agency No. 89 Fed. Reg. 34620

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ON PETITION FOR REHEARING EN BANC

(Opinion January 28, 2025, 5 CIR., 2025, 127 F.4th 563)

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 January 28, 2025, is VACATED.