

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2026

Lyle W. Cayce
Clerk

No. 24-60370

PRISCILLA STERLING, *individually and on behalf of all others similarly situated*; RAINE BECKER, *individually and on behalf of all others similarly situated*; SHAWN MILLER, *individually and on behalf of all others similarly situated*; JOHN BENNETT,

Plaintiffs—Appellants,

versus

THE CITY OF JACKSON, MISSISSIPPI; CHOKWE A. LUMUMBA;
TONY YARBER; KISHIA POWELL; ROBERT MILLER; JERRIOT
SMASH; TRILOGY ENGINEERING SERVICES, L.L.C.,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:22-CV-531

ON PETITION FOR REHEARING EN BANC

(Opinion November 17, 2025, 5 CIR., 2025, 159 F.4th 361)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART,
RICHMAN, HAYNES, 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 5th Circuit Rule 41.3, the panel opinion in this case dated November 17, 2025, is VACATED.

*Judge Southwick and Judge Graves did not participate in the consideration of the rehearing en banc.