

# United States Court of Appeals for the Fifth Circuit

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No. 19-60662  
CONSOLIDATED WITH  
No. 19-60678

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
September 28, 2023  
Lyle W. Cayce  
Clerk

DENNIS HOPKINS, *individually and on behalf of a class of all others similarly situated*; HERMAN PARKER, JR., *individually and on behalf of a class of all others similarly situated*; WALTER WAYNE KUHN, JR., *individually and on behalf of a class of all others similarly situated*; BRYON DEMOND COLEMAN, *individually and on behalf of a class of all others similarly situated*; JON O'NEAL, *individually and on behalf of a class of all others similarly situated*; EARNEST WILLHITE, *individually and on behalf of a class of all others similarly situated*,

*Plaintiffs—Appellees,*

*versus*

SECRETARY OF STATE DELBERT HOSEMANN, *in his official capacity*,

*Defendant—Appellant,*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:18-CV-188

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ON PETITION FOR REHEARING EN BANC

(Opinion August 4, 2023, 5 Cir., 2023, 76 F.4th 378)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART, ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, and DOUGLAS, *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 Rule 41.3, the panel opinion in this case dated August 4, 2023, is VACATED.