

United States Court of Appeals  
for the Fifth Circuit

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No. 21-60285

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 21, 2023

Lyle W. Cayce  
Clerk

TESLA, INCORPORATED,

*Petitioner Cross-Respondent,*

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE and  
AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, AFL-CIO,

*Petitioner,*

*versus*

NATIONAL LABOR RELATIONS BOARD,

*Respondent Cross-Petitioner.*

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Petition for Review from an Order of the  
National Labor Relations Board  
NLRB Order No. 370 NLRB No. 101

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ON PETITION FOR REHEARING EN BANC

(Opinion March 31, 2023, 5 Cir., 2023, 63 F.4th 981)

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 Circuit Rule 41.3, the panel opinion in this case dated March 31, 2023, is VACATED.