

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2024

Lyle W. Cayce
Clerk

No. 21-60626

ALLIANCE FOR FAIR BOARD RECRUITMENT; NATIONAL CENTER
FOR PUBLIC POLICY RESEARCH,

Petitioners,

versus

SECURITIES AND EXCHANGE COMMISSION,

Respondent.

Petition for Review from an Order of the
Securities & Exchange Comm
Agency No. 34-92590

ON PETITIONS FOR REHEARING EN BANC

(Opinion October 18, 2023, 5 CIR., 2023, 85 F.4th 226)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART,
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT,
DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS, and
RAMIREZ, *Circuit Judges*.*

PER CURIAM:

* JUDGE JAMES C. HO did not participate in the consideration of the rehearing en banc.

A member of the court having requested a poll on the petitions 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 October 18, 2023 is VACATED.