

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

\_\_\_\_\_  
No. 08-11098  
\_\_\_\_\_

**FILED**  
February 22, 2011

DIANE G REED, Real party in Interest,

Lyle W. Cayce  
Clerk

Plaintiff ! Appellee Cross-Appellant

vs.

CITY OF ARLINGTON,

Defendant ! Appellant Cross-Appellee

- - - - -  
Appeal from the United States District Court for the  
Northern District of Texas  
- - - - -

ON PETITION FOR REHEARING EN BANC

(Opinion September 16, 2010, 5 Cir., 2010, \_\_\_\_ F.3d \_\_\_\_)

(February 22, 2011)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, SMITH, GARZA,  
BENAVIDES, STEWART, DENNIS, CLEMENT, PRADO, OWEN, ELROD,  
SOUTHWICK and HAYNES, Circuit Judges.<sup>1</sup>

BY THE COURT:

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.

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<sup>1</sup>Judge Graves did not participate in the poll.