

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2010

No. 09-40373

Lyle W. Cayce
Clerk

DOUG MORGAN; ROBIN MORGAN; JIM SHELL; SUNNY SHELL; SHERRIE
VERSHER; CHRISTINE WADE,

Plaintiffs ! Appellees

vs.

LYNN SWANSON, In Her Individual Capacity and as Principal of
Thomas Elementary School; JACKIE BOMCHILL, In Her Individual
Capacity and as Principal of Rasor Elementary School,

Defendants ! Appellants

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

ON PETITIONS FOR REHEARING AND REHEARING EN BANC

(Opinion June 30, 2010, 5 Cir., 2010, ____ F.3d ____)
(Revised Opinion July 1, 2010, 5 Cir., 2010, ____ F.3d ____, withdrawn)
(Opinion November 29, 2010, 5 Cir., 2010, ____ F.3d ____)

(December 17, 2010)

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

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.