

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 29, 2023

Lyle W. Cayce
Clerk

No. 21-60312

JACKSON MUNICIPAL AIRPORT AUTHORITY; BOARD OF COMMISSIONERS OF THE JACKSON MUNICIPAL AIRPORT AUTHORITY, *each in his or her official capacity as a Commissioner on the Board of Commissioners of the Jackson Municipal Airport Authority*; DOCTOR ROSIE L. T. PRIDGEN, *in her official capacity as a Commissioner on the Board of Commissioners of the Jackson Municipal Airport Authority*; REVEREND JAMES L. HENLEY, JR., *in his official capacity as a Commissioner on the Board of Commissioners of the Jackson Municipal Airport Authority*; LAWANDA D. HARRIS, *in her official capacity as a Commissioner on the Board of Commissioners of the Jackson Municipal Airport Authority*; VERNON W. HARTLEY, SR., *in his official capacity as a Commissioner on the Board of Commissioners of the Jackson Municipal Airport Authority*; EVELYN O. REED, *in her official capacity as a Commissioner on the Board of Commissioners of the Jackson Municipal Airport Authority*; DOCTOR ROSIE L. T. PRIDGEN, *individually as citizens of the City of Jackson, Mississippi, on behalf of themselves and all others similarly situated*; LAWANDA D. HARRIS, *individually as citizens of the City of Jackson, Mississippi, on behalf of themselves and all others similarly situated*; VERNON W. HARTLEY, SR., *individually as citizens of the City of Jackson, Mississippi, on behalf of themselves and all others similarly situated*; EVELYN O. REED, *individually as citizens of the City of Jackson, Mississippi, on behalf of themselves and all others similarly situated*; JAMES L. HENLEY, JR., *individually as citizens of the City of Jackson, Mississippi, on behalf of themselves and all others similarly situated*,

Intervenors—Appellees,

versus

JOSH HARKINS; DEAN KIRBY; PHILLIP MORAN; CHRIS

No. 21-60312

CAUGHMAN; NICKEY BROWNING; JOHN A. POLK; MARK BAKER;
ALEX MONSOUR,

Respondents—Appellants.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:16-CV-246

ON PETITION FOR REHEARING EN BANC

(Opinion May 10, 2023, 5 Cir., 2023, 67 F.4th 678, Withdrawn)
(Opinion August 25, 2023, 5 Cir., 2023, WL 5522213)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART,
ELROD, HAYNES, HIGGINSON, WILLET, HO, DUNCAN,
ENGELHARDT, OLDHAM, 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 August 25, 2023, is VACATED.

* JUDGES LESLIE H. SOUTHWICK, JAMES E. GRAVES, JR., AND CORY T. WILSON did not participate in the consideration of the rehearing en banc.