

United States Court of Appeals for the Fifth Circuit

No. 21-70010

United States Court of Appeals
Fifth Circuit

FILED

July 30, 2025

Lyle W. Cayce
Clerk

BRITTANY MARLOWE HOLBERG,

Petitioner—Appellant,

versus

ERIC GUERRERO, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:15-CV-285

ON PETITION FOR REHEARING EN BANC

(Opinion March 7, 2025, 5 Cir., 2025, 130 F.4th 493)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART,
RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON,
WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON,
DOUGLAS, and RAMIREZ, *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 7, 2025, is VACATED.