

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 30, 2026

Thomas B. Plunkett, III
Clerk

No. 25-30524

BRET BODIN; BRAD NEWELL; DARIAN MORGAN; MICHAEL
ROSAS; MID-CITY MIKE RENTALS, L.L.C.; AIRBNB,
INCORPORATED,

Plaintiffs—Appellants,

versus

NEW ORLEANS CITY,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:25-CV-329

ON PETITION FOR REHEARING EN BANC

Before WIENER, HAYNES, and GRAVES, *Circuit Judges*.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R.40 I.O.P.), the petition for panel rehearing is DENIED. The petition for rehearing en banc is DENIED because, at the request of one of its members, the court was polled, and a majority did not vote in favor of rehearing (FED. R. APP. P.40 and 5TH CIR. R.40).

In the en banc poll, eight judges voted in favor of rehearing, CHIEF JUDGE ELROD, AND JUDGES JONES, SMITH, WILLETT, HO, DUNCAN, ENGELHARDT, and OLDHAM, and nine voted against rehearing, JUDGES STEWART, RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILSON, DOUGLAS, and RAMIREZ.