

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 28, 2025

No. 25-50695

Lyle W. Cayce
Clerk

MARA NATHAN, RABBI, *on behalf of herself and on behalf of her minor child*, M.N.; VIRGINIA GALAVIZ EISENBERG, *on behalf of herself and on behalf of her minor child*, R.E.; RON EISENBERG, *on behalf of himself and on behalf of his minor child*, R.E.; SETH ETTINGER, CANTOR, *on behalf of himself and on behalf of his minor child*, R.E.; SARAH ETTINGER, *on behalf of herself and on behalf of her minor child*, R.E.; ELIZABETH LEMASTER, *on behalf of herself and on behalf of her minor children*, K.L. & L.L.; CARAH HELWIG, *on behalf of herself and on behalf of her minor children*, J.P. & T.P.; ALYSSA MARTIN, *on behalf of herself and on behalf on her minor child*, H.B.M.; CODY BARKER, *on behalf of himself and on behalf of his minor child*, H.B.M.; LAUREN ERWIN, *on behalf of herself and on behalf of her minor child*, M.E.; REBEKAH LOWE, *on behalf of herself and on behalf of her minor children*, E.R.L. & E.M.L.; THEODORE LOWE, *on behalf of himself and on behalf of his minor children*, E.R.L. & E.M.L.; MARISSA NORDEN, *on behalf of herself and on behalf of her minor children*, E.N. & A.N.; WILEY NORDEN, *on behalf of himself and on behalf of his minor children*, E.N. & A.N.; JOSHUA FIXLER, RABBI, *on behalf of himself and on behalf on his minor children*, D.F., E.F., & F.F.; CYNTHIA MOOD, REVEREND, *on behalf of herself and on behalf of her minor children*, L.M. & C.M.; CHERYL REBECCA SMITH, *on behalf of herself and on behalf of her minor child*, L.P.J.; ARVIND CHANDRAKANTAN, *on behalf of himself and on behalf of his minor children*, V.C., M.C. & A.C.; ALLISON FITZPATRICK, *on behalf of herself and on behalf of her minor children*, C.F. & H.F.; MARA RICHARDS BIM, *on behalf of herself and on behalf of her minor child*, H.B.,

Plaintiffs—Appellees,

versus

ALAMO HEIGHTS INDEPENDENT SCHOOL DISTRICT; NORTH
EAST INDEPENDENT SCHOOL DISTRICT; LACKLAND
INDEPENDENT SCHOOL DISTRICT; NORTHSIDE INDEPENDENT
SCHOOL DISTRICT; LAKE TRAVIS INDEPENDENT SCHOOL
DISTRICT; DRIPPING SPRINGS INDEPENDENT SCHOOL
DISTRICT; FORT BEND INDEPENDENT SCHOOL DISTRICT;
CYPRESS FAIRBANKS INDEPENDENT SCHOOL DISTRICT; PLANO
INDEPENDENT SCHOOL DISTRICT,

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:25-CV-756

ON MOTION FOR INITIAL HEARING EN BANC

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 motion for initial hearing 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 case shall be heard by the court en banc with oral argument along with 24-30706, *Roake v. Brumley* on a date hereafter to be fixed. The Clerk will issue an expedited briefing schedule.

IT IS FURTHER ORDERED that Appellants' motions to stay further proceedings and for an extension of time to file brief are DENIED AS MOOT.