United States Court of Appeals for the Fifth Circuit

No. 24-10386

United States Court of Appeals
Fifth Circuit
FILED
January 14, 2026
Lyle W. Cayce
Clerk

STATE OF TEXAS,

Plaintiff—Appellee,

versus

PAMELA BONDI, *U.S. Attorney General, in her official capacity as United States Attorney General*; CHARLOTTE A. BURROWS, *in her official capacity as Chair of the U.S. Equal Employment Opportunity Commission*; JOCELYN SAMUELS, *in her official capacity as Vice Chair of the U.S. Equal Employment Opportunity Commission*; KEITH SOLDERLING, *in his official capacity as Commissioner of the U.S. Equal Employment Opportunity Commission*; ANDREA R. LUCAS, *in her official capacity as Commissioner of the U.S. Equal Employment Opportunity Commission*; CHRISTOPHER W. LAGE, *in his official capacity as General Counsel of the Equal Employment Opportunity Commission*; EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; UNITED STATES DEPARTMENT OF JUSTICE,

Defendants—Appellants.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:23-CV-34

ON PETITION FOR REHEARING EN BANC

(Opinion August 15, 2025, 5 Cir., 2025, 149 F.4th 529)

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 August 15, 2025, is VACATED.