

United States Court of Appeals
for the Fifth Circuit

No. 21-40750

RICHARD DEVILLIER; WENDY DEVILLIER; STEVEN DEVILLIER;
RHONDA DEVILLIER; BARBARA DEVILLIER; ET AL.,

Plaintiffs—Appellees,

versus

STATE OF TEXAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:20-CV-223
USDC No. 3:20-CV-379
USDC No. 3:21-CV-104
USDC No. 4:21-CV-1521

ON MOTION TO FILE AN AMICUS BRIEF AND PETITIONS
FOR REHEARING EN BANC

Before HIGGINBOTHAM, SOUTHWICK, and HIGGINSON, *Circuit
Judges.*

PER CURIAM:

IT IS ORDERED that the motion of Institute for Justice for leave to file an amicus brief in support of the Appellees' petition for rehearing en banc is DENIED.

Treating the Appellees' petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. No member of the panel or judge in regular active service having requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

Treating the Appellant's petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. No member of the panel or judge in regular active service having requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.