

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

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CLERK

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September 28, 2023

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Consolidated Nos. 19-60662 & 19-60678 Hopkins v. Hosemann  
USDC No. 3:18-CV-188

Dear Counsel,

Enclosed is the court's order filed this date directing this case be reheard en banc with oral argument.

Under Fifth Circuit Local Rule 41.3 this order vacates the previous opinion and judgment of this court and stays the mandate.

Appellant will have until October 30, 2023, to file an en banc brief and the Appellees' en banc brief is due on November 29, 2023. You will be requested to furnish 22 paper copies of your en banc brief after the electronic filing is reviewed and processed. The color of the cover on your en banc brief will be the same as the color of the cover on your merits brief (blue for the appellant and red for the appellees). The case will be heard sometime during the week of January 22, 2024. Counsel for the parties will receive adequate notice as to the exact date and time for the presentation of the oral argument.

We request that the parties forward 22 copies of their previously filed merits briefs, reply briefs, and record excerpts, for the use of the en banc court. As you did previously, we request that all copies be spirally bound. These additional copies are due in the Clerk's Office by October 12, 2023. Please contact me if you have any questions.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Peter A. Conners, Deputy Clerk  
504-310-7685

cc:

Mr. R. Trent McCotter  
Mr. Louis Peter Petrich  
Mr. Carroll E. Rhodes  
Mr. Joseph Patrick Sakai  
Mr. Joshua Tom  
Mr. Andrew T. Tutt

# United States Court of Appeals for the Fifth Circuit

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No. 19-60662  
CONSOLIDATED WITH  
No. 19-60678

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
September 28, 2023  
Lyle W. Cayce  
Clerk

DENNIS HOPKINS, *individually and on behalf of a class of all others similarly situated*; HERMAN PARKER, JR., *individually and on behalf of a class of all others similarly situated*; WALTER WAYNE KUHN, JR., *individually and on behalf of a class of all others similarly situated*; BRYON DEMOND COLEMAN, *individually and on behalf of a class of all others similarly situated*; JON O'NEAL, *individually and on behalf of a class of all others similarly situated*; EARNEST WILLHITE, *individually and on behalf of a class of all others similarly situated*,

*Plaintiffs—Appellees,*

*versus*

SECRETARY OF STATE DELBERT HOSEMANN, *in his official capacity*,

*Defendant—Appellant,*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:18-CV-188

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No. 19-60662  
c/w No. 19-60678

ON PETITION FOR REHEARING EN BANC

(Opinion August 4, 2023, 5 Cir., 2023, 76 F.4th 378)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART, ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, and DOUGLAS, *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 Rule 41.3, the panel opinion in this case dated August 4, 2023, is VACATED.