

United States Court of Appeals for the Fifth Circuit

No. 22-40043

FEDS FOR MEDICAL FREEDOM; LOCAL 918, AMERICAN
FEDERATION OF GOVERNMENT EMPLOYEES; HIGHLAND
ENGINEERING, INCORPORATED; RAYMOND A. BEEBE, JR.; JOHN
ARMBRUST; ET AL.,

Plaintiffs—Appellees,

versus

JOSEPH R. BIDEN, JR., *in his official capacity as President of the United
States*; THE UNITED STATES OF AMERICA; PETE BUTTIGIEG, *in
his official capacity as Secretary of Transportation*; DEPARTMENT OF
TRANSPORTATION; JANET YELLEN, *in her official capacity as Secretary
of Treasury*; ET AL.,

Defendants—Appellants.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:21-CV-356

ON PETITION FOR REHEARING EN BANC

(Opinion April 7, 2022, 5 CIR., 2022 , 30 F.4th 503)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART, DENNIS, ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, and WILSON, *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 dated April 7, 2022, is VACATED.

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 27, 2022

TO COUNSEL LISTED BELOW:

No. 22-40043 Feds for Medical Freedom v. Biden
USDC No. 3:21-CV-356

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.

Appellants will have until July 27, 2022, to file an en banc brief and the appellees' en banc brief is due on August 26, 2022. 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 appellants and red for the appellees). The case will be heard sometime during the week of September 12, 2022. 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 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 Monday, July 11, 2022. Please contact me if you have any questions.

Sincerely,

LYLE W. CAYCE, Clerk



By:

Geralyn A. Maher
Calendar Clerk
504-310-7630

Mr. R. Trent McCotter
Mr. Casen Ross

cc: Mr. Lowell Harrison Becraft Jr.
Ms. Sarah Wendy Carroll
Mr. David Anthony Dalia
Mr. Gene Patrick Hamilton
Mr. Jared Kelson
Mr. Jordan E Pratt
Mr. Charles Wylie Scarborough
Mr. John Clay Sullivan
Mr. John Julian Vecchione
Mr. Daniel Winik