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

January 20, 2020

TO COUNSEL LISTED BELOW:

No. 16-70027 – Melissa Elizabeth Lucio v.
Lorie Davis, Etc.
USDC No. 1:13-CV-125

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 February 19, 2020, to file their en banc brief, and appellee's en banc brief is due on March 20, 2020. You will be requested to furnish twenty two (22) copies of your brief after the electronic filing is reviewed and processed. Appellant's paper brief should have a blue cover, and appellee's paper brief should have a red cover. The case will be heard during the week of May 18, 2020. 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 twenty two (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 Wednesday, January 29, 2020.**

Please contact me if you have any questions.

Sincerely,

LYLE W. CAYCE, Clerk

By: _____
Geralyn A. Maher
Calendar Clerk
504-310-7630

Mr. Allen Richard Ellis
Mr. Ari Cuenin

cc: Hon. Hilda G. Tagle
Mr. Timothy Gumkowski
Mr. Tivon Schardl
Mr. Matthew Hamilton Frederick
Ms. Jennifer Wren Morris

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-70027

MELISSA ELIZABETH LUCIO,

Petitioner - Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court
for the Southern District of Texas

ON PETITION FOR REHEARING EN BANC

(Opinion July 29, 2019, 5 Cir., 2019, 783 Fed.Appx. 313)

Before OWEN, Chief Judge, JONES, SMITH, STEWART, DENNIS, ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA, WILLETT, HO, DUNCAN, ENGELHARDT, and OLDHAM, Circuit Judges.

BY THE COURT:

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.