

United States Court of Appeals  
for the Fifth Circuit

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No. 21-40618

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STATE OF TEXAS; STATE OF LOUISIANA,

*Plaintiffs—Appellees,*

*versus*

UNITED STATES OF AMERICA; ALEJANDRO MAYORKAS, SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TROY MILLER, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, IN HIS OFFICIAL CAPACITY; UNITED STATES CUSTOMS AND BORDER PROTECTION; TAE D. JOHNSON, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, IN HIS OFFICIAL CAPACITY; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; UR M. JADDOU, DIRECTOR OF THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 6:21-CV-16

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ORDER

On a poll taken pursuant to a request by an active member of the court for rehearing en banc, a majority of active judges in service and not disqualified has determined that the panel opinion issuing a stay pending appeal should be vacated. The appeal shall be assigned to an oral argument panel in the regular course.

***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

November 30, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 21-40618 State of Texas v. USA  
USDC No. 6:21-CV-16

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Nancy F. Dolly, Deputy Clerk  
504-310-7683

Mr. Spencer Amdur  
Mr. H. Thomas Byron III  
Ms. Kathryn Cherry  
Mr. Matt A. Crapo  
Mr. Drew C. Ensign  
Ms. Sarah Elaine Harrington  
Mr. Daniel David Hu  
Ms. Kathryn Lynn Huddleston  
Mr. Omar C. Jadwat  
Mr. Sean Janda  
Ms. Elizabeth Baker Murrill  
Mr. Erez Reuveni  
Mr. Michael Shih  
Mr. Judd Edward Stone II  
Mr. Patrick K. Sweeten  
Mr. Benjamin D. Wilson  
Mr. Cody Wofsy  
Mr. Walter S. Zimolong III