

VILLAS AT PARKSIDE PARTNERS, doing business as Villas at Parkside; Lakeview at Parkside Partners, Limited, doing business as Lakeview at Parkside; Chateau Ritz Partners, doing business as Chateau De Ville; Mary Miller Smith, Plaintiffs–Appellees,

v.

The CITY OF FARMERS BRANCH, TEXAS, Defendant–Appellant.

Valentin Reyes; Alicia Garcia; Ginger Edwards; Jose Guadalupe Arias; Aide Garza, Plaintiffs–Appellees,

v.

City of Farmers Branch, Defendant–Appellant.

No. 10–10751.

United States Court of Appeals,
Fifth Circuit.

July 31, 2012.

William A. Brewer, III, Charles Dunham Biles (argued), James Stephen Renard, Jack George Breffney Ternan, Bickel & Brewer, Dallas, TX, Nina Perales (argued), Rebecca McNeill Couto, Mexican–American Legal Defense & Educational Fund, San Antonio, TX, R. David Broiles, Fort Worth, TX, Omar C. Jadwat, ACLU Foundation, Immigrants’ Rights Project, New York City, Jennifer C. Newell, ACLU Foundation, Immigrants’ Rights Project, San Francisco, CA, for Plaintiffs–Appellees.

Peter Michael Jung, Strasburger & Price, L.L.P., Dallas, TX, Kris William Kobach (argued), Immigration Reform Law Institute, Kansas City, KS, for Defendant–Appellant.

Carlos Ramon Soltero, McGinnis, Lochridge & Kilgore, L.L.P., Austin, TX, Lawrence John Joseph, Benjamin M.

Shultz, Civ. Div., App. Staff, Daniel Benete Hahs Tenny, U.S. Dept. of Justice, Washington, DC, Morris J. Baller, Goldstein, Demchak, Baller, Borgen & Dardarian, Oakland, CA, for Texas Apartment Ass’n, Inc., Eagle Forum Educ. and Legal Defense Fund, Dominican American Nat. Roundtable, Hispanic Nat. Bar Ass’n, LULAC, Mexican–American Bar Ass’n of Texas, Nat. Ass’n of Elected and Appointed Officials, Nat. Ass’n of Latino Elected and Appointed Officials Educational Fund, Nat. Council of La Raza, United States Office of Sol. Gen., Amici Curiae.

Appeals from the United States District Court for the Northern District of Texas; Jane J. Boyle, Judge.

ON PETITION FOR REHEARING
EN BANC

(Opinion March 21, 2012, 5th Cir., 2012,
675 F.3d 802)

Before JONES, Chief Judge, and JOLLY, DAVIS, SMITH, GARZA, STEWART, DENNIS, CLEMENT, PRADO, OWEN, ELROD, SOUTHWICK, HAYNES, GRAVES and HIGGINSON, Circuit Judges.¹

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.



1. Judge King did not participate.