

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 18, 2020

Lyle W. Cayce
Clerk

No. 19-60133

D.C. Docket No. 3:18-CV-441

JOSEPH THOMAS; VERNON AYERS; MELVIN LAWSON,

Plaintiffs - Appellees

v.

TATE REEVES, Governor of the State of Mississippi, all in the official capacities of their own offices and in their official capacities as members of the State Board of Election Commissioners; MICHAEL WATSON, Secretary of State of the State of Mississippi, all in the official capacities of their own offices and in their official capacities as members of the State Board of Election Commissioners,

Defendants - Appellants

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

Before OWEN, Chief Judge, and DAVIS, JONES, SMITH, STEWART, DENNIS, ELROD, HAYNES, HIGGINSON, COSTA, WILLETT, HO, DUNCAN, ENGELHARDT, and OLDHAM, Circuit Judges.^{1*}

JUDGMENT ON REHEARING EN BANC

This cause was considered on the record on appeal and was argued by counsel.

* Judge Leslie H. Southwick and Judge James E. Graves are recused and did not participate in the decision.

It is ordered and adjudged that the judgment of the District Court is vacated, the appeal is dismissed and remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party to bear its own costs on appeal.

GREGG COSTA, Circuit Judge, joined by OWEN, Chief Judge, and DAVIS, STEWART, DENNIS, and HIGGINSON, Circuit Judges, concurring.

DON R. WILLETT, Circuit Judge, joined by SMITH, ELROD, DUNCAN, and ENGELHARDT, Circuit Judges, concurring in the judgment.

ANDREW S. OLDHAM, Circuit Judge, concurring.