

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 30, 2025

Lyle W. Cayce
Clerk

No. 23-40605

TEXAS MEDICAL ASSOCIATION; TYLER REGIONAL HOSPITAL,
L.L.C.; DR. ADAM CORLEY,

Plaintiffs—Appellees/Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; OFFICE OF PERSONNEL MANAGEMENT; UNITED
STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT
OF TREASURY; ROBERT F. KENNEDY, JR., *Secretary, U.S.*
Department of Health and Human Services, in his official capacity; CHARLES
EZELL, *in his official capacity as the Acting Director of the Office of Personnel*
Management; SCOTT BESSENT, *Secretary, U.S. Department of Treasury, in*
his official capacity; LORI CHAVEZ-DEREMER, *Acting Secretary, U.S.*
Department of Labor, in her official capacity,

Defendants—Appellants/Cross-Appellees,

LIFENET, INCORPORATED; AIR METHODS CORPORATION;
ROCKY MOUNTAIN HOLDINGS, L.L.C.; EAST TEXAS AIR ONE,
L.L.C.,

Plaintiffs—Appellees/Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; OFFICE OF PERSONNEL MANAGEMENT; UNITED

STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY; ROBERT F. KENNEDY, JR., *Secretary, U.S. Department of Health and Human Services, in his official capacity*; CHARLES EZELL, *in his official capacity as the Acting Director of the Office of Personnel Management*; SCOTT BESSENT, *Secretary, U.S. Department of Treasury, in his official capacity*; LORI CHAVEZ-DEREMER, *Acting Secretary, U.S. Department of Labor, in her official capacity*,

Defendants—Appellants.

Appeal from the United States District Court
for the Eastern District of Texas
USDC Nos. 6:22-CV-450, 6:22-CV-453

ON PETITION FOR REHEARING EN BANC

(Opinion October 30, 2024, 5 CIR., 2024, 120 F.4th 494)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART, RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS, and RAMIREZ, *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 in this case dated October 30, 2024 is VACATED.