

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 11-50814

TEXAS MEDICAL PROVIDERS PERFORMING ABORTION SERVICES, a class represented by Metropolitan OBGYN, P.A.; on behalf of itself and its patients seeking abortions, doing business as Reproductive Services of San Antonio; ALAN BRAID, on behalf of himself and his patients seeking abortions,

Plaintiffs - Appellees

v.

DAVID LAKEY, Commissioner of the Texas Department of State Health Services, in his official capacity; MARI ROBINSON, Executive Director of the Texas Medical Board, in her official capacity,

Defendants - Appellants

Appeal from the United States District Court for the
Western District of Texas, Austin

ON PETITION FOR REHEARING EN BANC

(Opinion 01/10/2012, 5 Cir., _____, _____, F.3d _____)

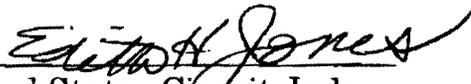
Before JONES, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:

- ✓) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

- () Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:


United States Circuit Judge