

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 16-20702

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RICHARD WINFREY, JR.,

Plaintiff - Appellant

v.

LACY ROGERS, Former San Jacinto County Sheriff; LENARD JOHNSON,  
Former San Jacinto County Sheriff's Department Deputy,

Defendants - Appellees

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

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ON PETITION FOR REHEARING EN BANC

(Opinion August 20, 2018 , 5 Cir., \_\_\_\_\_ , \_\_\_\_\_ F.3d \_\_\_\_\_ )

Before JOLLY and ELROD, Circuit Judges, and RODRIGUEZ, District  
Judge.\*

PER CURIAM:

X 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 5<sup>TH</sup> CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

\* District Judge of the Western District of Texas, sitting by designation.

- ( ) 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 5<sup>TH</sup> CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

*Elizabeth Jolley*

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UNITED STATES CIRCUIT JUDGE