

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 16-20691

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LEGACY COMMUNITY HEALTH SERVICES, INCORPORATED,

Plaintiff - Appellee

v.

CHARLES SMITH, in his Official Capacity as Executive Commissioner of  
Health and Human Services Commission,

Defendant - Appellant

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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 AND REHEARING EN BANC

(Opinion 1/31/18, 5 Cir., \_\_\_\_\_, \_\_\_\_\_ F.3d \_\_\_\_\_ )

Before JONES, SMITH, and PRADO, Circuit Judges.

PER CURIAM:

(↓) The Petition for Rehearing is DENIED and no member of this panel nor judge in regular active service on 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 also DENIED.

- ( ) The Petition for Rehearing is DENIED and 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 also DENIED.
- ( ) A member of the court in active service having requested a poll on the reconsideration of this cause en banc, and a majority of the judges in active service and not disqualified not having voted in favor, Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

  
UNITED STATES CIRCUIT JUDGE