

# **EXHIBIT B**

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

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No. 18-40116

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STATE OF TEXAS,

Plaintiff–Appellee,

versus

ALABAMA-COUSHATTA TRIBE OF TEXAS,

Defendant–Appellant.

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

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ON PETITION FOR REHEARING EN BANC

(Opinion 918 F.3d 440 (Mar. 14, 2019))

Before SMITH, DUNCAN, and ENGELHARDT, 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 judge in regular active service having requested that the court be polled on rehearing en banc

(FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.\*

ENTERED FOR THE COURT:

/s/ Jerry E. Smith  
JERRY E. SMITH  
United States Circuit Judge

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\* Judge Ho is recused and did not participate in the consideration of the petition for rehearing en banc.