

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-40710

JASON LEE VAN DYKE,

Plaintiff - Appellee

v.

THOMAS CHRISTOPHER RETZLAFF, also known as Dean Anderson, doing
business as BV Files, ViaView Files, L.L.C., and ViaView Files,

Defendant - Appellant

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

ON PETITION FOR REHEARING EN BANC

(Opinion October 22, 2019, 5 Cir., _____, _____ F.3d _____)

Before WIENER, HAYNES, and COSTA, 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

TAB 4

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.

Done 12-5-2019

ENTERED FOR THE COURT:

Carla K. Payne

UNITED STATES CIRCUIT JUDGE