EXHIBIT 1

United States Court of Appeals for the Fifth Circuit

No. 22-70001

RICHARD LEE TABLER,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, Director, Texas Department of Criminal Justice, Correctional Institutions Division,

Respondent—Appellee.

Appeal from the United States District Court for the Western District of Texas USDC No. 6:10-CV-34

ON PETITION FOR REHEARING EN BANC

Before Graves, Duncan, and Engelhardt, Circuit Judges.
Per Curiam:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service 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.

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United States Court of Appeals

FIFTH CIRCUIT OFFICE OF THE CLERK

LYLE W. CAYCE CLERK

TEL. 504-310-7700 600 S. MAESTRI PLACE, Suite 115 **NEW ORLEANS, LA 70130**

November 14, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 22-70001 Tabler v. Lumpkin USDC No. 6:10-CV-34

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Monica R. Washington, Deputy Clerk 504-310-7705

Mr. Jefferson David Clendenin

Mr. Ari Cuenin

Ms. Cara Hanna

Mr. Shawn Nolan

Ms. Lanora Christine Pettit

Ms. Natalie Deyo Thompson

Ms. Claudia Van Wyk

Mr. Peter James Walker

Ms. Marcia Adele Widder