

United States Court of Appeals  
for the Fifth Circuit

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United States Court of Appeals

Fifth Circuit

**FILED**

January 9, 2026

No. 24-50879

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Lyle W. Cayce  
Clerk

RICHARD LOWERY,

*Plaintiff—Appellant,*

*versus*

LILLIAN MILLS, *in her official capacity as Dean of the McCombs School of Business at the University of Texas at Austin;* ETHAN BURRIS, *in his official capacity as Senior Associate Dean for Academic Affairs of the McCombs School of Business at the University of Texas-Austin;* CLEMENS SIALM, *in his official capacity as Finance Department Chair for the McCombs School of Business at the University of Texas-Austin;* JAMES E. DAVIS, *in his official capacity as Interim President of the University of Texas at Austin,*

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:23-CV-129

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ON PETITION FOR REHEARING EN BANC

Before KING, SMITH, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 40 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. 40 and 5TH CIR. R. 40), the petition for rehearing en banc is DENIED.\*

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\* Judges Richman and Ho are recused and did not participate in the consideration of rehearing.

***United States Court of Appeals***  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**LYLE W. CAYCE**  
**CLERK**

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**600 S. MAESTRI PLACE,**  
**Suite 115**  
**NEW ORLEANS, LA 70130**

January 09, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-50879      Lowery v. Mills  
                          USDC No. 1:23-CV-129

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Jasmine J. Forman*  
By: Jasmine J. Forman, Deputy Clerk

Mr. Adam Warren Aston  
Mr. Philip Devlin  
Mr. James Matthew Dow  
Mr. Joel Robert Glover  
Mr. Endel Kolde  
Mr. Michael Lovins  
Mr. Jeffrey L. Oldham  
Mr. Nathan John Ristuccia  
Mr. Cody Lee Vaughn