

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2026

Lyle W. Cayce
Clerk

No. 24-50879

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.

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

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.*

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

United States Court of Appeals**FIFTH CIRCUIT
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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



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