

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Thompson v. Connick

641 F.3d 133 (5th Cir. 2011) · No. No. 07-30443 · Decided May 13, 2011

SUMMARY

The Fifth Circuit, sitting en banc, remanded the matter to the district court after the Supreme Court reversed the court's prior judgment in Connick v. Thompson. Because the en banc court had affirmed by an equally divided vote, the district court was directed to enter judgment in favor of the appellants.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Per Curiam; Jones, Chief Judge; King, Circuit Judge; Jolly, Circuit Judge; Davis, Circuit Judge; Smith, Circuit Judge; Wiener, Circuit Judge; Barksdale, Circuit Judge; Garza, Circuit Judge; Benavides, Circuit Judge; Stewart, Circuit Judge; Clement, Circuit Judge; Prado, Circuit Judge; Owen, Circuit Judge; Elrod, Circuit Judge; Southwick, Circuit Judge; Haynes, Circuit Judge
JURISDICTION	Federal
DECIDED	May 13, 2011
DOCKET	No. 07-30443
DISPOSITION	remanded
PROCEDURAL POSTURE	After the Supreme Court reversed and remanded the Fifth Circuit's en banc judgment, the Fifth Circuit remanded the matter to the district court for entry of judgment in favor of the appellants.
PRECEDENTIAL VALUE	Published
PARTIES	Harry F. Connick, in his official capacity as District Attorney, Eric Dubelier, in his official capacity as Assistant District Attorney, James Williams, in his official capacity as Assistant District Attorney, Eddie Jordan, in his official capacity as District Attorney, Orleans Parish District Attorney's Office v. John Thompson

TOPICS

- appellate procedure
- civil rights

PRACTICE AREAS

civil rights

appellate procedure

QUESTIONS PRESENTED

1. What disposition should the Fifth Circuit enter after the Supreme Court reversed and remanded its prior en banc judgment?

HOLDINGS

1. Following the Supreme Court's reversal and remand of the Fifth Circuit's prior judgment, the matter must be remanded to the district court for entry of judgment in favor of the appellants.

KEY QUOTATIONS

“Accordingly, this matter is REMANDED to the district court for entry of judgment in favor of Appellants.”
(134)

PROCEDURAL HISTORY

The Fifth Circuit, sitting en banc, had affirmed the district court's judgment by an equally divided vote. The Supreme Court reversed and remanded the Fifth Circuit's judgment. On remand, the Fifth Circuit directed the district court to enter judgment for the appellants.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The district court must enter judgment in favor of the appellants.

CASES CITED

- Thompson v. Connick, 578 F.3d 293 (5th Cir. 2009) (en banc)
- Connick v. Thompson, 131 S. Ct. 1350, 179 L. Ed. 2d 417 (2011)

OPINION

PER CURIAM.

641 F.3d 133 (2011) John THOMPSON, Plaintiff-Appellee, v. Harry F. CONNICK, in his official capacity as District Attorney; Eric Dubelier, in his official capacity as Assistant District Attorney; James Williams, in his official capacity as Assistant District Attorney; Eddie Jordan; in his official capacity as District Attorney; Orleans Parish District Attorney's Office, Defendants-Appellants.

No. 07-30443. United States Court of Appeals, Fifth Circuit. May 13, 2011. Michael L. Banks, J. Gordon Cooney, Jr., Managing Sr. Counsel (argued), Morgan, *134 Lewis & Bockius, L.L.P., Philadelphia, PA, Robert S. Glass, Glass & Reed, New Orleans, LA, for Thompson. William D. Aaron, Jr. (argued), Richard Anthony Goins, Renee F. Smith, Goins Aaron, A.P.L.C., New Orleans, LA, for Defendants-Appellants.

Ralph Roger Alexis, III, Porteous, Hainkel & Johnson, L.L.P., New Orleans, LA, Ellis Pete Adams, Jr. (argued), LA Dist. Attys. Ass'n, Baton Rouge, LA, for LA Dist. Atty's Ass'n, Amicus Curiae. Donna Rau Andrieu and Andrew Milton Pickett, Asst. Dist. Attys., New Orleans, LA, for Orleans Parish Asst. Dist. Attys., Amicus Curiae. James Davis Blacklock, Austin, TX, Hiram S. Sasser, Kelly J. Shackelford, Chief Counsel, Liberty Legal Inst., Plano, TX, for Former Fed.

Prosecutors, Amicus Curiae. Martin Jonathan Siegel, Law Office of Martin J. Siegel, P.C., Houston, TX, for Ctr. on the Admin. of Crim. Law, Amicus Curiae. Before JONES, Chief Judge, and KING, JOLLY, DAVIS, SMITH, WIENER, BARKSDALE, GARZA, BENAVIDES, STEWART, CLEMENT, PRADO, OWEN, ELROD, SOUTHWICK and HAYNES, Circuit Judges.[*] PER CURIAM: This Court, sitting en banc, affirmed the judgment of the district court by reason of an equally divided vote.

See Thompson v. Connick, 578 F.3d 293 (5th Cir.2009) (en banc). The Supreme Court reversed and remanded the judgment of this Court. See Connick v. Thompson, ___ U.S. ___, 131 S.Ct. 1350, 179 L.Ed.2d 417 (2011). Accordingly, this matter is REMANDED to the district court for entry of judgment in favor of Appellants. NOTES [*] Judge Dennis and Judge Graves did not participate in this decision.