

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.

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.

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