

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 12-60031

D.R. HORTON, INCORPORATED,

Petitioner Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent Cross-Petitioner

Petition for Review of an Order of the
National Labor Relations Board

ON PETITION FOR REHEARING EN BANC

(Opinion 12/3/2013, 5 Cir. _____, _____, F.3d _____)

Before KING, SOUTHWICK, and GRAVES, Circuit Judges.

PER CURIAM:

(✓) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

- () Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:



UNITED STATES CIRCUIT JUDGE

Judges DeMoss and Smith did not participate in the consideration of the rehearing en banc.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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

April 16, 2014

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 12-60031 D.R. Horton, Incorporated v. NLRB
USDC No. 12-CA-25764

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Sabrina B. Short

By: _____
Sabrina B. Short, Deputy Clerk
504-310-7817

Mr. Marshall Bruce Babson
Mr. Frank Paul Bland Jr.
Ms. Beth S. Brinkmann
Ms. Ruth E. Burdick
Ms. Clara Beth Burns
Mr. Paul William Cane Jr.
Mr. Ronald Wayne Chapman Jr.
Ms. Linda Dreeben
Mr. William J. Emanuel
Mr. Hal K. Gillespie
Mr. Joseph Halcut Gillespie
Mr. Alfred John Harper II
Mr. Charles C. High Jr.
Mr. Jose Abelardo Howard-Gonzalez
Mr. Bernard Phillip Jeweler
Ms. Deborah J. La Fetra
Mr. Henry David Lederman
Mr. Vartan Serge Madoyan
Ms. Catherine M. Masters
Mr. Christopher Charles Murray
Ms. Yona Rozen
Mr. Michael Rubin
Mr. Michael M. Shetterly
Mr. Mark M. Stublely
Mr. Mark Douglas Temple
Ms. Rae Thiesfield Vann
Ms. Kira Dellinger Vol
Ms. Alexa L. Woerner