UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Kelly L. Stephens
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: June 17, 2024

Mr. Mark R. Brown
303 E. Broad Street
Columbus, OH 43215

Ms. Kelsi Brown Corkran
Institute for Constitutional Advocacy and Protection
600 New Jersey Avenue, N.W.
Washington, DC 20001

Mr. Thomas Elliot Gaiser
Office of the Attorney General of Ohio
30 E. Broad Street, 17th Floor
Columbus, OH 43215

Mr. Oliver B. Hall
Center for Competitive Democracy
P.O. Box 21090
2515 Cliffbourne Place, N.W.
Washington, DC 20009

Ms. Alexandra R. Lichtenstein
Institute for Constitutional Advocacy and Protection
600 New Jersey Avenue, N.W.
Washington, DC 20001

Mr. William Powell
600 New Jersey Avenue, N.W.
Washington, DC 20001

Katie Rose Talley
Office of the Attorney General of Ohio
30 E. Broad Street
17th Floor
Columbus, OH 43215

Re: Case No. 24-3354, *Cynthia Brown, et al v. David Yost*
Originating Case No. : 2:24-cv-01401

Dear Counsel,

The attached order designated for full-text publication was filed today in this case.

Yours very truly,

Kelly L. Stephens, Clerk

Cathryn Lovely, Opinions Deputy

cc: Mr. Richard W. Nagel

Enclosure

RECOMMENDED FOR PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 24a0133p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

CYNTHIA BROWN; CARLOS BUFORD; JENNY SUE ROWE,
Plaintiffs-Appellants,

v.

DAVID YOST, in his official capacity as Ohio Attorney General,
Defendant-Appellee.

No. 24-3354

On Petition for Rehearing En Banc

United States District Court for the Southern District of Ohio at Columbus.
No. 2:24-cv-01401—James L. Graham, District Judge.

Decided and Filed: June 17, 2024

Before: SUTTON, Chief Judge; MOORE, CLAY, GIBBONS, GRIFFIN, KETHLEDGE, STRANCH, THAPAR, BUSH, LARSEN, NALBANDIAN, READLER, MURPHY, DAVIS, MATHIS, and BLOOMEKATZ, Circuit Judges.

COUNSEL

ON PETITION FOR REHEARING EN BANC: T. Elliot Gaiser, Katie Rose Talley, OFFICE OF THE OHIO ATTORNEY GENERAL, Columbus, Ohio, for Appellee. **ON RESPONSE:** Mark R. Brown, CAPITAL UNIVERSITY, Columbus, Ohio, Oliver Hall, CENTER FOR COMPETITIVE DEMOCRACY, Washington, D.C., Kelsi Brown Corkran, Alexandra Lichtenstein, William Powell, INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION, Washington, D.C., for Appellants.

ORDER

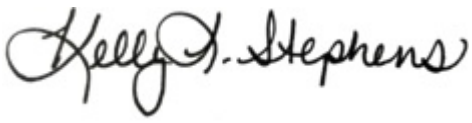
A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Sixth Circuit Rule 35(b) provides as follows:

> A decision to grant rehearing en banc vacates the previous opinion and judgment of the court, stays the mandate, and restores the case on the docket as a pending appeal.

Accordingly, it is ORDERED that the previous decision and judgment of this court are vacated, the mandate is stayed, and this case is restored to the docket as a pending appeal. It is further ORDERED that the pending Motion to Compel Defendant-Appellee to Comply with the Court's Order (Dkt. 35) and Motion to Stay Judgment and Issuance of the Mandate (Dkt. 36) are denied as moot.

The parties are directed to file a notice to the court as soon as possible but **no later than Tuesday, June 18, 2024, at 12:00 p.m. (Eastern)** addressing the following: (1) whether additional briefing is desired, and if so, a proposed schedule for the submission of briefs; and (2) whether oral argument before the en banc court is desired, and if so, a proposed schedule and format for oral argument. The parties should confer on their proposals for briefing and argument. If the parties reach consensus, they should file a joint notice. If the parties do not reach a consensus, each party should file a separate notice. After consideration of the parties' position(s), the Court will issue an order with the requirements for submission of this matter for en banc consideration.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk