

United States Court of Appeals
for the Fifth Circuit

No. 24-10760

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2026

Lyle W. Cayce
Clerk

SCOTT McNUTT,

Plaintiff—Appellee,

RICK MORRIS; HOBBY DISTILLERS ASSOCIATION; THOMAS O.
COWDREY, III; JOHN PRINCE, III,

Plaintiffs—Appellees/Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF JUSTICE; ALCOHOL AND
TOBACCO TAX AND TRADE BUREAU, *a bureau of the U.S. Department
of the Treasury,*

Defendants—Appellants/Cross-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CV-1221

ON PETITION FOR REHEARING EN BANC

Before JONES and GRAVES, *Circuit Judges*, and RODRIGUEZ, *District
Judge.* *

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.

*District Judge for the Southern District of Texas, sitting by designation.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

June 09, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

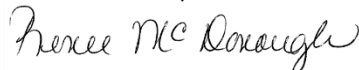
No. 24-10760 McNutt v. US Dept of Justice
USDC No. 4:23-CV-1221

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: _____
Renee S. McDonough, Deputy Clerk
504-310-7673

Mr. Robert Alt
Mr. Thomas Arthur Berry
Mr. Theodore M. Cooperstein
Ms. Cynthia Fleming Crawford
Mr. Casey L. Griffith
Mr. Andrew Michael Grossman
Mr. Thomas McCarthy
Ms. Karen S. Mitchell
Mr. Clark McAdams Neily III
Mr. Michael David Pepson
Mr. Reilly Stephens
Ms. Caroline W. Tan
Mr. John Marc Wheat