

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

January 31, 2023

Lyle W. Cayce  
Clerk

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No. 22-10387

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NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; ARIZONA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION, ARKANSAS HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; INDIANA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; ILLINOIS HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; LOUISIANA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; MOUNTAINEER PARK HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; NEBRASKA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; OKLAHOMA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; OREGON HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; PENNSYLVANIA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; WASHINGTON HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; TAMPA BAY HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION,

*Plaintiffs—Appellants,*

STATE OF TEXAS; TEXAS RACING COMMISSION,

*Intervenor Plaintiffs—Appellants,*

*versus*

JERRY BLACK; KATRINA ADAMS; LEONARD COLEMAN; MD NANCY COX; JOSEPH DUNFORD; FRANK KEATING; KENNETH SCHANZER; HORSERACING INTEGRITY AND SAFETY AUTHORITY, INCORPORATED; FEDERAL TRADE COMMISSION;

COMMISSIONER KELLY SLAUGHTER; COMMISSIONER ROHIT  
CHOPRA; COMMISSIONER NOAH PHILLIPS; COMMISSIONER  
CHRISTINE WILSON,

*Defendants—Appellees.*

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Appeal from the United States District Court  
For the Northern District of Texas  
USDC No. 5:21-CV-71

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UNPUBLISHED ORDER

Before KING, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

Appellees Jerry Black, Katrina Adams, Leonard Coleman, Nancy Cox, Joseph Dunford, Frank Keating, Kenneth Schanzer, and Horseracing Integrity and Safety Authority, Inc. have moved to vacate the panel’s opinion in light of Congress’s recent amendment to the Horseracing Integrity and Safety Act. *See* Consolidated Appropriations Act, 2023, div. O, tit. VII, § 701 (2022). They have also moved for panel rehearing on the same basis. The remaining Appellees—the Federal Trade Commission, Kelly Slaughter, Rohit Chopra, Noah Phillips, and Christine Wilson—have separately moved for panel rehearing, also based on the recent amendment.

The motion to vacate the panel’s opinion is DENIED. The motions for panel rehearing are DENIED. The case is REMANDED to the district court for further proceedings. Any further appeal will be to this panel.

The mandate shall issue forthwith.