

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

File Name: 26a0076p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

LUTHER POYNTER, by and through his guardian, Anita
Fernandez,

Plaintiff-Appellant,

v.

AARON BENNETT, in his official capacity as Barren
County Jailer; BARREN COUNTY, KENTUCKY,

Defendants-Appellees.

No. 25-5188

On Petition for Rehearing En Banc

United States District Court for the Western District of Kentucky at Bowling Green.

No. 1:21-cv-00162—Gregory N. Stivers, Chief District Judge.

Decided and Filed: March 11, 2026

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

COUNSEL

ON PETITION FOR REHEARING EN BANC: Aaron D. Smith, John A. Sowell,
ENGLISH, LUCAS, PRIEST & OWSLEY, LLP, Bowling Green, Kentucky, for Appellees. **ON
RESPONSE:** William M. Butler, Jr., Louisville, Kentucky, for Appellant.

ORDER

A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Under Sixth Circuit Rule 40(d), “[a] decision to grant rehearing en banc

vacates the previous opinion and judgment or order 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.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument as soon as possible.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink that reads "Kelly L. Stephens". The signature is written in a cursive, flowing style.

Kelly L. Stephens, Clerk