

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 14, 2008

Charles R. Fulbruge III
Clerk

No. 07-10711

CADLES OF GRASSY MEADOWS II, L.L.C.,
by Assignment from Olney Savings Association,

Plaintiff-Appellant,

THE STATE OF TEXAS,

Intervenor Plaintiff-Appellant,

v.

DAVID GOLDNER; ROBERT GOLDNER,

Defendants-Appellees.

Appeals from the United States District Court
for the Northern District of Texas

Before DAVIS, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:

The petition for panel rehearing is GRANTED. The opinion, 542 F.3d 437 (5th Cir. Sept. 8, 2008), is WITHDRAWN. This matter is REMANDED for further proceedings in light of Kerlin v. Saucedo, 2008 Tex. LEXIS 943 (Tex. Oct. 10, 2008). We place no limits on what actions the district court may take on remand. We intimate no view as to what decisions the district court should make regarding Kerlin or any other issue.