

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 25, 2026

No. 23-20480

Lyle W. Cayce
Clerk

THE WOODLANDS PRIDE, INCORPORATED; ABILENE PRIDE
ALLIANCE; EXTRAGRAMS, L.L.C.; 360 QUEEN ENTERTAINMENT,
L.L.C.; BRIGITTE BANDIT,

Plaintiffs—Appellees,

versus

WARREN KENNETH PAXTON, *In an official capacity as Attorney General
of Texas*; BRETT LIGON, *In an official capacity as District Attorney of
Montgomery County*; MONTGOMERY COUNTY, TEXAS; JAMES
HICKS, *In an official capacity as District Attorney of Taylor County*;
TAYLOR COUNTY, TEXAS; CITY OF ABILENE, TEXAS,

Defendants—Appellants.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-2847

JUDGMENT

Before SOUTHWICK and ENGELHARDT, *Circuit Judges*.*

*Judge James Dennis was a member of the original panel, concurring in part and dissenting in part from the panel opinion. See *Woodlands Pride, Inc. v. Paxton*, 157 F.4th 775, 789–803 (5th Cir. 2025) (Dennis, J., concurring in part and dissenting in part). Judge Dennis took inactive status from the Court on February 23, 2026, and therefore did not participate in this decision to withdraw and substitute the panel opinion. This case is decided by a quorum under 28 U.S.C. § 46(d)

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the injunction against the appellants is VACATED, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court. On remand, the district court is instructed to (1) dismiss the claims against Brett Ligon, James Hicks, Montgomery County, Taylor County, and the City of Abilene; (2) reconsider the plaintiffs' facial First Amendment challenges to Section One of S.B. 12 under the *Moody* framework; and (3) reconsider the plaintiffs' facial vagueness challenge to Section One of S.B. 12 in light of *Roy*.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.