

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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**CORRECTION**  
September 08, 2025

**MEMORANDUM TO COUNSEL OR PARTIES**

Appeal Number: 24-10139-AA  
Case Style: Bruce Henry v. Attorney General of the State of Alabama, et al  
District Court Docket No: 2:21-cv-00797-RAH-JTA

**EN BANC BRIEFING NOTICE**

For purpose of the upcoming en banc rehearing in the above referenced case, the court desires for counsel to focus their briefs on the following question:

**Would applying Alabama Code section 15-20A-11(d) to bar Bruce Henry from residing or conducting overnight visits with his minor child violate his right to substantive due process?**

Additionally, the parties may want to address two related issues:

**First, should the fact of Bruce’s conviction be included in the description of his liberty interest? Second, does the meaning of “child pornography” under Alabama Code section 15-20A-4(27) include only pornographic material involving a “child” as defined in section 15-20A-4(2)—not a “minor” as defined in section 15-20A-4(13), or does it include any violation of the Alabama Child Pornography Act as referenced in section 15-20A-5(14), including those involving “child sex abuse material” as defined in section 13A-12-190?**

Briefing Deadlines

The appellants’ en banc brief is due **October 8, 2025**. The appellee’s en banc brief is due **November 7, 2025** and any en banc reply brief is due on **November 24, 2025**. **NO EXTENSIONS WILL BE GRANTED.** Please see FRAP 28 and 32 and the corresponding circuit rules for information on the form of briefs. Please see 11<sup>th</sup> Cir.R.40-9 for the filing of en

banc amicus brief. All parties must submit 10 briefs in paper to the clerk's office. Counsel is not required to submit the additional copies of the previous filed briefs.

Oral argument will be held the week of February 9, 2026 in Atlanta, GA. Each side will be allotted twenty minutes of oral argument.

Brief Compliance Check Program

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Briefing Notice 1 - Appellant