

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2024

Lyle W. Cayce
Clerk

No. 21-50826

COMMUNITY FINANCIAL SERVICES ASSOCIATION OF AMERICA,
LIMITED; CONSUMER SERVICE ALLIANCE OF TEXAS,

Plaintiffs—Appellants,

versus

CONSUMER FINANCIAL PROTECTION BUREAU; ROHIT CHOPRA,
in his official capacity as Director, Consumer Financial Protection Bureau,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:18-CV-295

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before WILLETT, ENGELHARDT, and WILSON, *Circuit Judges.*

PER CURIAM:

This case is before us on remand from the Supreme Court. On initial review, we reversed the judgment of the district court and vacated the Consumer Financial Protection Bureau’s 2017 Payday Lending Rule based on our conclusion that the Bureau’s funding structure violated the Appropriations Clause. 51 F.4th 616, 635–44 (5th Cir. 2022). The Supreme

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Court reversed our judgment and held that the Bureau's funding structure is constitutional. *Consumer Fin. Prot. Bureau v. Cmty. Fin. Servs. Ass'n of Am., Ltd.*, 601 U.S. 416, 441 (2024). Though it reversed our judgment in its entirety, the Court did not address the other issues we decided in the case. *See* 51 F.4th at 626–35.

Accordingly, we REINSTATE our judgment affirming the district court's ruling in favor of Defendants based on Plaintiffs' alternative arguments, and we RENDER judgment in favor of Defendants declaring that the Bureau's funding structure, and thereby the Payday Lending Rule, is constitutional.

Plaintiffs shall have fourteen days after entry of this opinion to file a petition for panel rehearing. *See* FED. R. APP. P. 40(a)(1). Plaintiffs' letter filed May 16, 2024, *see* FED. R. APP. P. 28(j), is STRICKEN for noncompliance with the rule.