

United States Court of AppealsFIFTH CIRCUIT
OFFICE OF THE CLERKLYLE W. CAYCE
CLERKTEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

July 22, 2010

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or
Rehearing En BancNo. 08-10146, Siesta Village Mkt, et al v. Perry, et al
USDC No. 4:06-CV-232

Enclosed is a copy of the court's decision. The court has entered judgment under FED. R. APP. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED. R. APP. P. 39 through 41, and 5TH CIR. RULES 35, 39, and 41 govern costs, rehearings, and mandates. **5TH CIR. RULES 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following FED. R. APP. P. 40 and 5TH CIR. R. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals . 5TH CIR. R. 41 provides that a motion for a stay of mandate under FED. R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases . If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under FED. R. APP. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

The judgment entered provides that each party bear its own costs on appeal.

Sincerely,

LYLE W. CAYCE, Clerk

By: Jamei R. Cheramie
Jamei R. Cheramie, Deputy Clerk

Enclosures

Ms. Marianne Marsh Auld
Mr. James F. Basile
Mr. Charles Justin Cooper
Ms. Susan Elisabeth Engel
Ms. Tracy K Genesen
Mr. Mark Charles Harwell
Mr. James C. Ho
Mr. Dee J. Kelly Sr.
Mr. David E. Keltner
Mr. Anthony Stanley Kogut
Mr. Philip Andrew Lionberger
Ms. Elizabeth Marie Locke
Mr. Carter Glasgow Phillips
Ms. Soraya Prince Freed Rudofsky
Mr. Marshall M Searcy Jr.
Mr. Derek L Shaffer
Mr. Kent Martin Shimeall
Mr. Henry W Simon Jr.
Mr. Kenneth Winston Starr
Mr. Sterling W Steves
Mr. James Carlton Todd
Mr. William Nolan Warren
Mr. David Bruce Young