

**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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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 Banc

No. 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 5<sup>th</sup> CIR. RULES 35, 39, and 41 govern costs, rehearings, and mandates. **5<sup>th</sup> 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 5<sup>th</sup> 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 . 5<sup>th</sup> 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