

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

October 14, 2010

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or
Rehearing En Banc

No. 08-30738, In Re: Katrina Canal, et al

USDC No. 2:06-CV-8676
USDC No. 2:06-CV-8884
USDC No. 2:06-CV-8888
USDC No. 2:06-CV-8890
USDC No. 2:06-CV-8891
USDC No. 2:06-CV-8922
USDC No. 2:06-CV-8967
USDC No. 2:06-CV-9075
USDC No. 2:06-CV-9223
USDC No. 2:06-CV-8676
USDC No. 2:06-CV-8884
USDC No. 2:06-CV-8888
USDC No. 2:06-CV-8890
USDC No. 2:06-CV-8891
USDC No. 2:06-CV-8922
USDC No. 2:06-CV-8967
USDC No. 2:06-CV-9075
USDC No. 2:06-CV-9223

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 appellants pay to appellees the costs on appeal.

Sincerely,

LYLE W. CAYCE, Clerk

By: 
Jamei R. Cheramie, Deputy Clerk

Enclosures

Mr. Charles Henry Braud Jr.
Mr. Philip S Brooks Jr.
Mr. Richard A. Cozad
Mr. John Francis Emmett I
Mr. William Paul Ferranti
Mr. Samuel Bryan Gabb
Mr. George M Gilly
Mr. Arthur Gordon Grant Jr.
Mr. William J Larzelere Jr.
Mr. Evans Martin McLeod
Ms. Emma Alexandra Mekinda
Mr. Andre' J. Mouledoux
Ms. Michaela E Noble
Mr. Joseph R Pousson Jr.
Mr. William Joseph Riviere
Mr. James H. Roussel
Mr. Camilo Kossy Salas III
Mr. Gene C. Schaerr
Ms. Nyka Marie Scott
Mr. Thomas Justin Simpson
Mr. Randolph J Waits