

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

February 08, 2011

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 09-20084, In Re: Refined Petro, et al
USDC No. 4:07-MD-1886
USDC No. 4:07-CV-4409
USDC No. 4:07-CV-4413
USDC No. 4:07-CV-4415
USDC No. 4:08-CV-241
USDC No. 4:06-CV-3569
USDC No. 4:07-MD-1886

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.

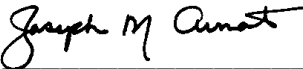
Direct Criminal Appeals. 5TH CIR. R. 41 provides that a motion for a stay of mandate under FED. R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise,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

Joseph M. Armato, Deputy Clerk
504-310-7651

Enclosures

Mr. John Barney Beckworth
Mr. Mark Scott Bernstein
Ms. Lauren Blair
Mr. Richard N. Carrell
Mr. John A. Cochrane
Mr. Gregory Scott Coleman
Mr. Charles Justin Cooper
Mr. Douglas R. Cox
Mr. Robert T. Cunningham
Mr. Edward Caldwell Dawson
Mr. Chad J Doellinger
Mr. Nathan P. Eimer
Mr. Thomas Miles Farrell
Mr. William Allen Gage Jr.
Mr. Raj Suresh Gandesha
Mr. William T. Gotfryd
Mr. Dale R. Harris
Mr. Warren W. Harris
Mr. Geoffrey L. Harrison
Mr. Hamish PM Hume
Mr. Thomas T. Hutcheson
Mr. William A Isaacson
Mr. Andrew G. Klevorn
Mr. Neil H Koslowe
Mr. Richard Edwin Lamberth
Ms. Carolyn B. Lamm
Mr. David Mark Lehn
Mr. Douglas Neal Letter
Mr. Tom McNamara
Mr. Robert A Milne
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Mr. Geoffrey M. Sigler
Mr. Matthew D. Slater
Mr. James Bernard Sloan

Ms. Anne Davies Smith
Ms. Catherine Fairley Spillman
Ms. Catherine Emily Stetson
Mr. Arthur T. Susman
Mr. Marc S. Tabolsky
Mr. Charles Eric Talisman
Mr. David H. Thompson
Mr. James Patrick Tuite
Mr. Jonathan C. Ulrich
Ms. Ann Elizabeth Webb
Ms. Alexandra Giselle White
Mr. Lewis Stanley Yelin