

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

September 14, 2010

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

Nos. 09-30449, 09-30428 & 09-30438 In Re: Katrina Canal Breaches

USDC No. 2:05-CV-4182
USDC No. 2:05-CV-4181
USDC No. 2:05-CV-5237
USDC No. 2:05-CV-6073
USDC No. 2:05-CV-6314
USDC No. 2:05-CV-6324
USDC No. 2:05-CV-6327
USDC No. 2:06-CV-20
USDC No. 2:06-CV-225
USDC No. 2:06-CV-886
USDC No. 2:06-CV-2278
USDC No. 2:06-CV-2287
USDC No. 2:06-CV-4065
USDC No. 2:06-CV-4389
USDC No. 2:06-CV-4634
USDC No. 2:06-CV-4931
USDC No. 2:06-CV-5032
USDC No. 2:06-CV-5159
USDC No. 2:06-CV-5161
USDC No. 2:06-CV-5260
USDC No. 2:06-CV-5308
USDC No. 2:06-CV-5785
USDC No. 2:06-CV-5786
USDC No. 2:06-CV-5937
USDC No. 2:06-CV-8708
USDC No. 2:07-CV-1113
USDC No. 2:07-CV-1271
USDC No. 2:07-CV-1349
USDC No. 2:07-CV-3173
USDC No. 2:07-CV-3500
USDC No. 2:07-CV-4392
USDC No. 2:07-CV-4550
USDC No. 2:07-CV-4555
USDC No. 2:07-CV-4837
USDC No. 2:07-CV-4945
USDC No. 2:07-CV-4976
USDC No. 2:07-CV-4979
USDC No. 2:07-CV-4995
USDC No. 2:07-CV-5007
USDC No. 2:07-CV-5012
USDC No. 2:07-CV-5013
USDC No. 2:07-CV-5016
USDC No. 2:07-CV-5067
USDC No. 2:07-CV-5254
USDC No. 2:07-CV-5286

USDC No. 2:07-CV-5339
USDC No. 2:07-CV-5343
USDC No. 2:07-CV-5344
USDC No. 2:07-CV-5350
USDC No. 2:07-CV-5355
USDC No. 2:07-CV-5356
USDC No. 2:07-CV-5375
USDC No. 2:07-CV-5397
USDC No. 2:05-CV-4182
USDC No. 2:07-CV-4550
USDC No. 2:07-CV-4555
USDC No. 2:07-CV-4976
USDC No. 2:07-CV-4979
USDC No. 2:07-CV-4995
USDC No. 2:07-CV-5007
USDC No. 2:07-CV-5012
USDC No. 2:07-CV-5013
USDC No. 2:07-CV-5016
USDC No. 2:07-CV-5254
USDC No. 2:07-CV-5286
USDC No. 2:07-CV-5339
USDC No. 2:07-CV-5343
USDC No. 2:07-CV-5344
USDC No. 2:07-CV-5350
USDC No. 2:07-CV-5355
USDC No. 2:07-CV-5356
USDC No. 2:07-CV-5375
USDC No. 2:07-CV-3173
USDC No. 2:05-CV-4182

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 appellee pay to appellant the costs on appeal.

Sincerely,
LYLE W. CAYCE, Clerk

By: 
Rhonda M. Flowers, Deputy Clerk

Enclosures

Mr. John Thomas Balhoff II
Mr. Daniel E Becnel Jr.
Ms. Carmelite M. Bertaut
Mr. Joseph M. Bruno
Ms. Ashley Gremillion Coker
Mr. James M. Garner
Mr. James E. Gauch
Mr. Lewis Scott Joanen
Ms. Heather Shauri Lonian
Mr. Albert J Rebennack
Mr. James Parkerson Roy
Mr. William D. Treeby
Ms. Adrian Wager-Zito