

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

December 09, 2010

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 09-41233, Kamper Investments, L.L.C., et al v. Esmeralda
Gomez, et al
USDC No. 7:08-CV-155

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: Jamie R. Cheramie
Jamie R. Cheramie, Deputy Clerk

Enclosures
Mr. H. Gray Burks
Mr. Brian Scott Engel
Mr. Jose Luis Flores
Mr. Kelly Keoki McKinnis