

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

January 05, 2011

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 10-20110, Paul Clark v. Jane Waters, et al
USDC No. 4:09-CV-3798

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.

Sincerely,
LYLE W. CAYCE, Clerk

By: 
Rhonda M. Flowers, Deputy Clerk

Enclosures
Mr. John Michael Bell
Mr. Joe Wallace Beverly
Ms. Andrea Chan
Mr. Paul Clark
Mr. Greg Cox

Mr. Mark Douglas Cronenwett
Mr. Robert J. DeGroot
Mr. Jason E. Dizon
Mr. Scott Anthony Durfee
Mr. Charles Bradley Frye
Mr. Michael John Hassen
Mr. Michael Robert Hull
Mr. Victor Ibezukwu
Mr. Charles R. Johnson Jr.
Mr. Fred Alton Keys Jr.
Mr. Matthew Joseph Kita
Mr. Jeffery Bruce Krongold
Mr. William Lance Lewis
Mr. Robert Richmond Maddox
Mr. Mario Alejandro Martinez
Ms. Jessica Lee Macklin Milligan
Mr. John Michael Monks
Mr. Mike Monks
Ms. Marilyn M. Montano
Mr. Paul Lee Myers
Mr. David Brian O'Dell
Mr. Thomas Thorn Rogers
Mr. Thomas Charles Washmon