

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

September 29, 2010

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or
Rehearing En BancNo. 10-30585, Hornbeck Offshore Services v. Ken Salazar
USDC No. 2:10-CV-1663

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 each party bear its own costs on appeal.

Sincerely,

LYLE W. CAYCE, Clerk

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

Enclosures

Ms. Linda Sarradet Akchin
Mr. Clay Allen
Mr. Adam Babich
Mr. H. Christopher Bartolomucci
Mr. Mitchell Bernard
Ms. Alisa Ann Coe
Mr. Robin S Conrad
Mr. John Fontana Cooney
Mr. R. Ted Cruz
Mr. Henry Tutt Dart
Mr. Stuart Kyle Duncan
Mr. Brady Edwards
Mr. Michael Thomas Gray
Mr. David G Guest
Mrs. Virginia Weichert Gundlach
Ms. Alida C Hainkel
Ms. Allyson Newton Ho
Mr. Grady Schell Hurley
Mr. Allan L Kanner
Mr. Kurt Gregory Kastorf
Mr. L Poe Leggette
Mr. Peter M. Mansfield
Mr. Bradley Marten
Ms. Marjorie Ann McKeithen
Mr. Guillermo A. Montero
Ms. Monica K Reimer
Ms. Anne M. Rodgers
Mr. Carl David Rosenblum
Ms. Cari Miyoko Sakashita
Mr. Sambhav Nott Sankar
Mr. Amar D. Sarwal
Mr. E Wade Shows
Mr. John Timothy Suttles Jr.
Mr. Thomas Allen Usry
Ms. Catherine Moore Wannamaker
Mr. Anthony David Weiner