

**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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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 Banc

No. 10-30585, Hornbeck Offshore Services v. Ken Salazar  
USDC No. 2:10-CV-1663

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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 5<sup>th</sup> CIR. RULES 35, 39, and 41 govern costs, rehearings, and mandates. **5<sup>th</sup> 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 5<sup>th</sup> 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 . 5<sup>th</sup> 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*  
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