

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

LYLE W. CAYCE  
CLERK

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NEW ORLEANS, LA 70130

December 21, 2012

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 12-30377, First Invst Corp. of Marshall v. Fujian Mawei  
Shipbuilding, Ltd, et al  
USDC No. 2:09-CV-3663

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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 petitioner-appellant pay to  
respondents-appellees the costs on appeal.

Sincerely,  
LYLE W. CAYCE, Clerk

By:   
Rhonda M. Flowers, Deputy Clerk

Enclosure(s)  
Ms. Adelaida Jelena Ferchmin  
Mr. David Boies Sharpe

Mr. Daniel A. Tadros  
Mr. Scott R. Wheaton Jr.