

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

May 14, 2013

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 12-60291, Ned Comer, et al v. Murphy Oil USA, Inc., et
al
USDC No. 1:11-CV-220

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 plaintiffs-appellants pay to defendants-appellees the costs on appeal.

Sincerely,

LYLE W. CAYCE, Clerk

By: 
Jamei R. Cheramie, Deputy Clerk

Enclosure(s)

Mr. Charles Henderson Abbott
Mr. Lawrence E. Abbott
Mr. Christopher Edward Appel
Mr. Kenneth W. Barton
Mr. Timothy S. Bishop
Mr. William Charles Brabec
Mr. F. William Brownell
Ms. Brittany Lynn Buckley
Mr. David T. Buente Jr.
Mr. Richard F. Bulger
Mr. Chad Matthew Clamage
Mr. Daniel Paul Collins
Mr. Philip Herbert Curtis
Mr. Jonathan Paul Dyal
Mr. Thomas E. Fennell
Mr. Norman William Fichthorn
Mr. Michael David Freeman
Mr. Andrew Friedberg
Mr. James Patrick Gaughan
Mr. Michael B. Gerrard
Mr. Robert Donald Gholson
Mr. Nicholas Cosmos Giallourakis
Ms. Maria Victoria Gillen
Mr. Philip S. Goldberg
Mrs. Donna L. Goodman
Mr. James E. Graves III
Mr. Tim D. Gray
Mr. Louis Matthew Grossman
Mr. Jonathan D. Hacker
Mr. Edgar Robert Haden
Mr. J Wyatt Hazard
Mr. Matthew T. Heartney
Mr. Kevin Patrick Holewinski
Mr. Norman Gene Hortman Jr.
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Mr. Charles Stephen Kelley
Mr. Jon Stephen Kennedy
Ms. April Crane Ladner
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Mr. Benjamin James Maro
Mr. Jonathan Lawrence Marsh
Ms. Shellye V. McDonald
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Mr. Kerry J. Miller

Ms. Sherrie Lynn Moore
Ms. Kelly Marie Morrison
Mr. James Royce Parish
Mr. Ronald G. Peresich
Mr. Michael Raudon Phillips
Mr. Barrett Hodges Reasoner
Mr. Shawn Patrick Regan
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Mr. Jeffery P. Reynolds
Mr. Michael L. Rice
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Ms. Tracy Roman
Mr. Charles Edwin Ross
Mr. Richard Patrick Salloum
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Ms. Kathleen Taylor Sooy
Mr. Quin Mikael Sorenson
Mr. Martin A. Stern
Mr. Ben H Stone
Mr. Richard Trent Taylor
Mr. Watts C. Ueltschey
Mr. James Wilbourn Vise
Mr. Michael Brunson Wallace
Mr. Benjamin McRae Watson
Mr. William Lee Watt
Mr. John Gwin Wheeler
Mr. Michael Edward Whitehead
Mr. Steven Robert Williams
Mr. Scott L. Winkelman
Ms. Allison D. Wood