

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

August 16, 2017

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

- Nos. 16-50677 USA v. Melissa Quintanilla
USDC No. 4:13-CR-87-2
- 16-50682 USA v. Dustin Ray Nichols
USDC No. 7:12-CR-93-1
- 16-50683 USA v. Jane Cervantez
USDC No. 7:10-CR-36-2
- 16-50687 USA v. Justin Anderson
USDC No. 7:11-CR-225-5
- 16-50688 USA v. Marti Gail McPherson
USDC No. 4:10-CR-299-1
- 16-50689 USA v. Michael Scott Cooksey
USDC No. 7:05-CR-255-1
- 16-50690 USA v. Taviche Marquise Grimes
USDC No. 7:09-CR-215-1
- 16-50691 USA v. James Walter Lee
USDC No. 7:07-CR-175-1
- 16-50694 USA v. Tray Williams
USDC No. 7:08-CR-203-5
- 16-50700 USA v. Elizabeth Ann Parada
USDC No. 7:08-CR-218-3
- 16-50704 USA v. Dodionne Gay Watson
USDC No. 7:07-CR-231-2
- 16-50705 USA v. Kenneth Morrison
USDC No. 7:12-CR-115-1
- 16-50706 USA v. Lee Edward Williams
USDC No. 7:10-CR-32-3
- 16-50707 USA v. Jose Aron Sotelo
USDC No. 7:10-CR-294-1
- 16-50709 USA v. Latoya Latrice Golden
USDC No. 7:11-CR-332-2
- 16-50715 USA v. David Wayne Frazier, Jr.
USDC No. 7:11-CR-261-1
- 16-50716 USA v. Charles Earl Thomas
USDC No. 7:10-CR-176-1

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. R.s 35, 39, and 41 govern costs, rehearings, and mandates. **5TH CIR. R.s 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.

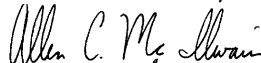
Direct Criminal Appeals. 5TH CIR. R. 41 provides that a motion for a stay of mandate under FED R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, 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.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk



By: Allen C. McIlwain, Deputy Clerk

Enclosure(s)

Mr. Bradford W. Bogan
Ms. Donna F. Coltharp
Ms. Kristin L. Davidson
Ms. Maureen Scott Franco
Mr. Joseph H. Gay Jr.
Ms. Laura G. Greenberg
Ms. Kristin Michelle Kimmelman
Ms. Judy Fulmer Madewell