

**CORRECTED**

**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

August 28, 2017

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

- No. 17-30089 Elizabeth Sewell, et al v. Sewerage & Water Board of N.O.
- USDC No. 2:15-CV-3117
- USDC No. 2:15-CV-6276
- USDC No. 2:16-CV-2326
- USDC No. 2:16-CV-2328
- USDC No. 2:16-CV-3120
- USDC No. 2:16-CV-4233
- USDC No. 2:16-CV-4248
- USDC No. 2:16-CV-12368

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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 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

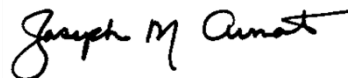
issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

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.

The judgment entered provides that appellant pay to appellees the costs on appeal.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Joseph M. Armato, Deputy Clerk

Enclosure(s)

Ms. Mary Nell Bennett  
Mr. Michael Ethan Botnick  
Mr. Craig W. Brewer  
Mr. James Thomas Busenlener  
Ms. Alexis Anne Butler  
Mr. Thomas Alcade Casey Jr.  
Mr. Thomas Joseph Eppling  
Mr. George Davidson Fagan  
Mr. Ernest Paul Gieger Jr.  
Mr. Arthur Gregory Grimsal  
Mr. Hunter Peter Harris IV  
Mr. Anton L. Hasenkampf  
Ms. Laura Tiffany Hawkins  
Ms. Shannon Howard-Eldridge  
Ms. Darleen M. Jacobs  
Mr. Wade A. Langlois III  
Ms. Sarah A. Lowman  
Mr. Craig Bernard Mitchell  
Mr. David Moragas  
Mr. Michael James Remondet Jr.  
Mr. James Douglas Rhorer  
Mr. Michael Robert Carson Riess  
Mr. Alex Benjamin Rothenberg  
Ms. Sara Peters Scurlock  
Mr. Randall Alan Smith  
Mr. John Elliott Unsworth III  
Mr. Scott T. Winstead