

**United States Court of Appeals*****For The Eighth Circuit***

Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329

**St. Louis, Missouri 63102**

**Michael E. Gans**  
*Clerk of Court*

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July 31, 2013

Mr. Thomas O. Mumgaard  
CITY OF OMAHA  
Legal Department  
Suite 804  
1819 Farnam Street  
Omaha, NE 68183-0000

RE: 12-3426 David Roberts v. City of Omaha, et al

Dear Counsel:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion. The opinion will be released to the public at 10:00a.m. today. Please hold the opinion in confidence until that time.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing *en banc* must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant for pro-se-filed petitions. Any petition for rehearing or petition for rehearing *en banc* which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans  
Clerk of Court

LMT

Enclosure(s)

cc: Ms. Denise M. Lucks  
Ms. Christine A Lustgarten  
Mr. Ross Richard Pesek  
Ms. Michelle Peters

District Court/Agency Case Number(s): 8:11-cv-00129-JFB