

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

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NEW ORLEANS, LA 70130

June 4, 2007

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 05-20719 Demmler v. City of Houston
USDC No. 4:04-CV-1543
05-20720 Gilmore v. City of Houston
USDC No. 4:04-CV-1544
05-20724 Ratliff v. City of Houston
USDC No. 4:02-CV-3809
05-20725 Coello v. City of Houston
USDC No. 4:04-CV-3221
05-20729 Richie v. City of Houston
USDC No. 4:04-CV-1545
05-20743 Sponsel v. City of Houston
USDC No. 4:04-CV-1542
05-20744 Ross v. City of Houston
USDC No. 4:03-CV-126
05-20752 Lopez v. City of Houston
USDC No. 4:03-CV-2297
05-20756 Cory v. City of Houston
USDC No. 4:03-CV-125

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

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: 
Jamei Richey, Deputy Clerk

Enclosure

Mr Robert L Cambrice
Ms Andrea Chan
Mr Michael W Kerensky
Ms Patricia Kay Dube
Mr Joseph Leo Lanza
Mr Olney G Wallis
Mr Paul B Rosen
Mr Steven Rocket Rosen