

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

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NEW ORLEANS, LA 70130

February 27, 2008

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 07-30229 Audler v. Flood Zone
USDC No. 2:06-CV-6525

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 plaintiff-appellant pay to defendants-appellees the costs on appeal.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: Jamei Richey
Jamei Richey, Deputy Clerk

Enclosure
Mr David A Bowling
Mr R Glen Cater
Mr Lance James Arnold
Mr Vincent James Booth
Mr Kevin L Cole
Ms Susan Fahey Desmond
Ms Lisa Ann Easterling
Mr Larry Bruce Feldman Jr

Mr Charles F Gay Jr
Mr Harry Alston Johnson III
Mr Terrence K Knister
Mr Steven Arthur Levy
Ms Nancy Jane Marshall
Mr Charles A Newman
Mr Stephen Julian Newman
Mr Glenn Paul Orgeron
Mr Benjamin Wesley Pitts
Mr Marshall M Redmon
Mr Clark Willis Richards
Mr Jeffrey Edward Richardson
Mr Isaac H Ryan
Mr Paul H Spaht
Ms Virginia Y Trainor
Mr Claude David Vasser Jr
Mr William J Wegmann