

United States Court of Appeals
for the Fifth Circuit

No. 22-30352

United States Court of Appeals
Fifth Circuit

FILED

August 9, 2023

Lyle W. Cayce
Clerk

JERRY ROGERS, JR.,

Plaintiff—Appellee,

versus

RANDY SMITH, *Sheriff*; DANNY CULPEPER; KEITH CANIZARO,

Defendants—Appellants.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:20-CV-517

Before CLEMENT, ELROD, and WILLETT, *Circuit Judges.*

PER CURIAM:*

After reviewing the parties' briefs and the record in this interlocutory appeal, and having heard argument, we hold that the district court did not err in its summary judgment determinations. We AFFIRM. *See* 5TH CIR. R. 47.6. The pending motion to strike is GRANTED as the court lacks jurisdiction over the discovery dispute.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 09, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

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

No. 22-30352 Rogers v. Smith
USDC No. 2:20-CV-517

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. 35**, **39**, and **41** govern costs, rehearings, and mandates. **5TH CIR. R. 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 Appellants pay to Appellee the costs on appeal. A bill of cost form is available on the court's website www.ca5.uscourts.gov.

Sincerely,

LYLE W. CAYCE, Clerk

Christina Rachal

By: _____
Christina C. Rachal, Deputy Clerk

Enclosure(s)

Ms. Anna Bidwell
Mr. Chadwick William Collings
Ms. Sarah A Fisher
Ms. Anna Jayne Goodman
Mr. Patrick M. Jaicomo
Mr. Jared McClain
Mr. William Brock Most
Mr. Eugene Volokh