

## UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

### Notice of Proposed Amendment to 5TH CIR. R. 41.3

Pursuant to 28 U.S.C. § 2071, we give notice the court is considering amending 5<sup>TH</sup> CIR. R. 41.3 as shown below. Proposed changes are “redline text.”

We will accept written comments for consideration on the proposed change through July 25, 2011. You may write to:

Clerk of Court  
U.S. Court of Appeals for the Fifth Circuit  
ATTN: Rule Changes  
600 South Maestri Place  
New Orleans, LA 70130

or send comments electronically to [Changes@ca5.uscourts.gov](mailto:Changes@ca5.uscourts.gov)

**41.3 Effect of Granting Rehearing En Banc.** Unless otherwise expressly provided, the granting of a rehearing en banc vacates the panel opinion and judgment of the court and stays the mandate. **If, after voting a case en banc, the court lacks a quorum to act on the case for 30 consecutive days, the case is automatically returned to the panel, the panel opinion is reinstated as an unpublished (and hence nonprecedential) opinion, and the mandate is released. To act on a case, the en banc court must have a quorum consisting of a majority of the en banc court as defined in 28 U.S.C. § 46(c).**

Lyle W. Cayce  
Clerk of Court