

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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

December 27, 2024

Mr. Steven H. Hazel
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950 Pennsylvania Avenue, N.W.
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Ms. Faith E. Lowry
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Mr. Daniel Bentele Hahs Tenny
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No. 24-40792 Texas Top Cop Shop v. Garland
USDC No. 4:24-CV-478

Dear Counsel,

In light of the court order of December 23, 2024, granting the motion to expedite the above captioned appeal, please adhere to the following expedited briefing schedule.

- Appellants' brief is due on 02/07/2025
- Appellees' brief is due on 02/21/2025
- Appellants' reply brief is due on 02/28/2025

The calendar information will issue at a later date. A copy of the court's printed calendar indicating the exact date and time of the hearing will be provided prior to the hearing date. Please adhere to the expedited briefing schedule without requesting extensions in order to ensure the availability of the briefs to the court prior to oral argument.

Record Excerpts: 5th Cir. R. 30.1.7(c) provides that the electronic PDF version of the record excerpts should contain pages representing the "tabs" identified in the index of the document. However, we remind attorneys that the actual paper copies of record excerpts filed with the court must contain actual physical tabs that extend beyond the edge of the document, to facilitate easy identification and review of tabbed documents.

Brief Covers: THE CASE CAPTION(S) ON BRIEF COVERS MUST BE EXACTLY THE SAME AS THE CASE CAPTION(S) ON THE ENCLOSED TITLE CAPTION SHEET(S). YOU WILL HAVE TO CORRECT ANY MODIFICATIONS YOU MAKE TO THE CAPTION(S) BEFORE WE SUBMIT YOUR BRIEF TO THE COURT.

Dismissal of Appeals: The clerk may dismiss appeals without notice if you do not file a brief on time, or otherwise fail to comply with the rules.

Appearance Form: If you have not electronically filed a "Form for Appearance of Counsel," you must do so within 14 days of this date. You must name each party you represent, See Fed. R. App. P. and 5th Cir. R. 12. The form is available from the Fifth Circuit's website, www.ca5.uscourts.gov.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

Guidance Regarding Citations in Pleadings.

5th Cir. R. 28.2.2 grants the Clerk the authority to create a standard format for citation to the electronic record on appeal. You must use the proper citation format when citing to the electronic record on appeal.

- A. In single record cases, use the short citation form, "ROA" followed by a period, followed by the page number. For example, "ROA.123."

- B. For multiple record cases, cite "ROA" followed by a period, followed by the Fifth Circuit appellate case number of the record referenced, followed by a period, followed by the page of the record. For example, "ROA.13-12345.123."
- C. Please note each individual citation must end using a termination of a period (.) or semicolon (;).

Brief Template: The clerk's office offers brief templates and the ability to check the brief for potential deficiencies prior to docketing to assist in the preparation of the brief. To access these options, log in to CM/ECF and from the Utilities menu, select 'Brief Template' (Counsel Only) or 'PDF Check Document'.

Reminder as to Sealing Documents on Appeal: Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may have changed or may not apply in an appellate proceeding. It is the obligation of counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Shea E. Pertuit, Deputy Clerk
504-310-7666

Enclosure(s)

cc w/encl:

Mr. Robert Alt
Mr. Brett Christopher Bartlett
Mr. Grady Block
Mr. Craig William Courtney
Mr. Murphy J. Foster III
Mr. Andrew Michael Grossman
Mr. Neville S. Hedley
Mr. Caleb Kruckenberg
Mr. Sheng Tao Li
Mr. John C. Neiman Jr.
Mr. Michael David Pepson
Mr. Joshua Martin Robbins
Mr. Gene C. Schaerr
Mr. Andrew Layton Schlafly
Mr. Reilly Stephens
Mr. John Clay Sullivan
Mr. Stephen J. Van Stempvoort

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
NEW ORLEANS, LOUISIANA
EN BANC COURTROOM

The Court has scheduled the following cases for oral argument in Room 209 of the John Minor Wisdom United States Court of Appeals Building, 600 Camp Street, NEW ORLEANS, LOUISIANA on the days shown:

COUNSEL FOR EACH PARTY MUST PRESENT ARGUMENT UNLESS EXCUSED BY THE COURT. CASES MARKED * ARE LIMITED TO 20 MINUTES PER SIDE; CASES WITH NO * ARE LIMITED TO 30 MINUTES PER SIDE UNLESS PREVIOUSLY GRANTED ADDITIONAL TIME. "SIDE" REFERS TO PARTIES IN THEIR POSITION ON APPEAL. IF IN DOUBT, CONSULT THE CLERK'S OFFICE.

TUESDAY, MARCH 25, 2025 – COURT CONVENES AT 10:00 A.M.

* No. 24-40792 Texas Top Cop Shop, Et Al. v. Merrick Garland, Et Al., Appellants.

LYLE W. CAYCE
CLERK OF COURT

NEW ORLEANS, LA-12/27/24-F3

IMPORTANT NOTES

1. Counsel presenting argument must report to Room 209 of the Wisdom Courthouse at 9:30 a.m. CENTRAL TIME the day of argument.
2. Click on this link to listen live to an oral argument: [En Banc Courtroom](#). (Note, this link is active only during the hearing.) If the live stream is not functioning properly during the hearing, call 504-310-7804 to report the problem.
3. Click on this link to listen to a recording of the argument after the hearing: [Oral Argument Recordings](#). (Recordings are posted shortly after the hearing.)
4. To receive notices of actions in the case, follow instructions at these links:

Attorneys requesting notice of case activity click here: [Notice for Cases of Interest for Attorneys](#)

Non-attorneys requesting notice of case activity click here: [Notice for Cases of Interest for Non-Attorneys](#)

PLEASE VISIT OUR WEBSITE AT WWW.CA5.USCOURTS.GOV, FOR UPDATES TO THE CALENDARS AND TO OBTAIN THE NAMES OF THE PANEL JUDGES, WHICH WILL BE POSTED ON THE CALENDARS ONE WEEK BEFORE THE BEGINNING OF THE COURT WEEK.

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December 27, 2024

No. 24-40792 Texas Top Cop Shop v. Garland
USDC No. 4:24-CV-478

Dear Counsel,

The above referenced case has been scheduled for oral argument on 03/25/2025. It will be held in En Banc Courtroom at 10:00 a.m. The Oral Argument session number is F3.

Arguing counsel is responsible for electronically filing the Oral Argument Acknowledgment Form by no later than March 11, 2025. To submit your form, log in to CM/ECF and select the event 'Oral Argument Acknowledgment Form Filed.' Please include your session number when completing the Oral Argument Acknowledgment Form.

IMPORTANT: Please confer with all counsel on your side regarding the order and division of time before submitting the form. This step is critical to ensure you are providing the court with accurate information. The court will not allow any changes except in emergency situations.

The Oral Argument Acknowledgment Form is available on our website at <https://www.ca5.uscourts.gov/oral-argument-information/attending-oral-arguments>. Also available on this page are links to the 'Court and Special Hearings Calendar' and 'Court Policy on Electronic Devices'.

If you have not electronically filed a "Form for Appearance of Counsel," you must do so before filing the Oral Argument Acknowledgment Form. You must name each party you represent, See Fed. R. App. P. and 5th Cir. R. 12. The form is available at <https://www.ca5.uscourts.gov/appearanceform>. Attorneys appointed under the Criminal Justice Act are exempt from the requirement to file a Form for Appearance of Counsel.

To ensure that we can provide all pertinent materials to the court before argument, we must receive any additional filings in this office by noon on the workday immediately preceding the day your case is scheduled for argument. Exceptions will be made for emergencies only.