

**OFFICE of the CLERK  
UNITED STATES COURT of APPEALS for the NINTH CIRCUIT**

**NOTICE OF ENTRY OF JUDGMENT**

Judgment was entered in this case as of the file date on the attached decision of the Court.

**MANDATE (FRAP 41)**

The mandate will issue seven (7) calendar days after the expiration of the time for filing a petition for rehearing or seven (7) calendar days from the denial of a petition for rehearing, unless the Court directs otherwise. If a stay of mandate is sought, an original and three (3) copies of the motion must be filed.

**PETITION FOR REHEARING (FRAP 40)**

**Filing Time:** A petition for rehearing may be filed within fourteen (14) days from entry of judgment. If the United States or an agency or officer thereof is a party in a civil appeal, the time for filing a petition for rehearing is 45 days from entry of judgment.

An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency, or officer thereof is a party, 45 days after the date of the order of publication. If the mandate has issued, the petition for rehearing should be accompanied by a motion to recall the mandate.

**Purpose:** A petition should only be made to direct the Court's attention to one or more of the following situations:

1. A material point of fact or law overlooked in the decision.
2. A change in the law which occurred after the case was submitted and which appears to have been overlooked by the panel.
3. An apparent conflict with another decision of the Court which was not addressed in the opinion.

Petitions which merely reargue the case should not be filed.

**Statement of Counsel:** A petition shall contain an introduction stating that, in counsel's judgment, one or more of the situations described in Purpose, section above, exist. The points to be raised must be clearly stated. Lacking such a statement, the petition will not be filed.

**Form:** The fifteen (15) proportionally spaced or monospaced face page limit allowed by FRAP 40 must be observed and the petition must comply in form with FRAP 32. Three (3) copies of the petition and the original are required unless the petition includes a suggestion for rehearing en banc. If it does, fifty (50) copies and the original must be filed.

The petition: (1) must be directed to the Clerk of Court, (2) contain an original signature of the counsel/pro per litigant submitting the petition; and, (3) indicate complete proof of service to all parties.

**PETITION FOR REHEARING EN BANC**  
**(FRAP 35, CIRCUIT RULE 35)**

**Grounds for**  
**Suggesting**  
**En Banc**  
**Consideration:**

Parties should seek en banc consideration only if one or more of the following grounds exists:

- (1) when consideration by the full court is necessary to secure or maintain uniformity of its decisions; or
- (2) when the proceeding involves a question of exceptional importance; or
- (3) when the opinion directly conflicts with an existing opinion by another court of appeals and substantially affects a rule of National application in which there is an overriding need for National uniformity.

**BILL OF COSTS (FRAP 39, CIRCUIT RULE 39-1)**

If a party is allowed costs, the bill of costs must be filed within fourteen (14) days of entry of judgment. (See attached Bill of Costs form for additional information.)

**ATTORNEYS' FEES**

If a party is entitled to attorneys' fees and expenses under the Equal Access to Justice Act, such request must be accompanied by a completed Form AO 291. Ninth Circuit Rule 39-2. Contact the Clerk's Office at (415) 556-9800 for a copy of Form AO 291.

A completed Form 9 must accompany all other requests for attorneys fees which are filed pursuant to Ninth Circuit Rule 39-1.6. A copy of Form 9 may be obtained by telephoning the Clerk's Office at (415) 556-9800, or you can visit our website at [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov). It is also in the Forms section of our Local Rules.

**PETITION FOR WRIT OF CERTIORARI**

For information concerning the filing of this petition, please refer to the rules of the Supreme Court of the United States at [www.supremecourtus.gov](http://www.supremecourtus.gov).

**COUNSEL LISTING IN PUBLISHED OPINIONS ONLY**

If the disposition in your case is published, please check counsel listing on the attached decision. If there are any errors, please notify West Publishing Company and this office, in writing, within ten (10) days. The address is: West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526 (Attn.: Manuscript Dept., Kathy Blesener). Counsel listed on the opinions are those attorneys who argued and signed the brief. We list the attorney's name, law firm, city and state.