

IOP 40 | PETITION FOR PANEL REHEARING

1. Necessity for Filing. As indicated in 11th Cir. R. 35-3, it is not necessary to file a petition for rehearing or petition for rehearing en banc in the court of appeals as a prerequisite to the filing of a petition for writ of certiorari in the Supreme Court of the United States. Counsel are also reminded that the duty of counsel is fully discharged without filing a petition for rehearing en banc if the rigid standards of FRAP 35(a) are not met.

2. Petition for Panel Rehearing. A petition for rehearing is intended to bring to the attention of the panel claimed errors of fact or law in the opinion. It is not to be used for reargument of the issues previously presented or to attack the court's non-argument calendar procedures. Petitions for rehearing are reviewed by panel members only.

3. Time. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing is timely only if received by the clerk within the time specified in 11th Cir. R. 40-3.

4. Form of Petition for Panel Rehearing. The form of a petition for panel rehearing is governed by FRAP 32(c)(2).

