

**IN THE UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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ORDER:

The court published proposed amendments to 5th CIR. R. 41.3 for public comment pursuant to 28 U.S. Code § 2071. The period for public comment has expired. After considering the comments received, the court hereby adopts the enclosed amendments to 5th CIR. R. 41.3, effective October 31, 2011.

IT IS SO ORDERED.

Done this 19<sup>th</sup> day of October, 2011.

*Lyle W. Cayce*

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LYLE W. CAYCE  
Clerk of Court  
By Direction

## CHANGES TO 5<sup>TH</sup> CIR. R.

EFFECTIVE OCTOBER 31, 2011

**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case for 30 consecutive days, the case is automatically returned to the panel, the panel opinion is reinstated as an unpublished (and hence nonprecedential) opinion, and the mandate is released.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).*