

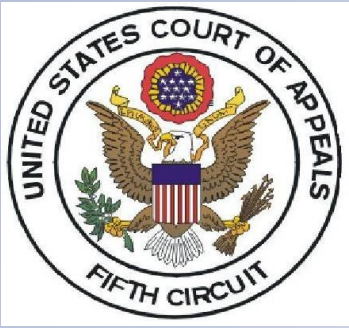


# **WHAT'S NEW IN THE CLERK'S OFFICE?**

## **TIPS FOR THE APPELLATE BAR**

**LYLE CAYCE**

**CLERK OF COURT**  
**February 9, 2026**



# Discussion Items

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- **“Hot Topics”**
- **A quick circuit overview**
- **How to access case-related information**
- **Internal procedures that impact your appeal**
- **Helpful Resources (including our “Attorney Toolbox”)**
- **Practice Tips – Errors to avoid**
- **Current and possible future use of AI in case processing**
- **Statistics!**



# Hot Topics

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- **Lawyers Advisory Committee**
- **Historic En Banc Session**
- **AI Generated Hallucinated Citations in Briefs**
- **CM/ECF Security and Sealed Matters**
- **5<sup>th</sup> Cir. R. 25.2.1 Change Regarding Paper Copies of Pleadings**

# Lawyer's Advisory Committee

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- On November 4, 2025, General Order (GO) 2025-3 reestablished the court's Lawyers Advisory Committee.
- The GO establishes the procedures, membership, and roles for the committee. Membership consists of two lawyers from each state selected by the Chief Judge to represent, in the Chief Judge's judgment, a broad cross-section of those appearing before the court, including government and private attorneys.
- Chief Judge Elrod appointed Michael Bentley (Jackson, Mississippi) as Chair of the Lawyers Advisory Committee. Mr. Bentley is joined by Gaines Cleveland (Gulfport, Mississippi); Thomas Flanagan (New Orleans, Louisiana); Allison Jones (Shreveport, Louisiana); Aaron Nielson (Austin, Texas); and Matthew Wright (Amarillo, Texas). The initial appointments are for two-year terms and are effective October 31, 2025.
- Aided by two *ex officio* members (a circuit judge appointed by the Chief Judge and the Clerk of Court) the Lawyers Advisory Committee will study and recommend changes to the Fifth Circuit's Local Rules and Internal Operating Procedures; act as a public liaison for procedural matters; gather feedback and suggestions from attorneys and the public; and provide reports and recommendations to the court on its own initiative or at the Chief Judge's request
- Contact at Advisory Committee, c/o Clerk of Court, 600 South Maestri New Orleans, LA 70130 or by Email at [advisory\\_committee@ca5.uscourts.gov](mailto:advisory_committee@ca5.uscourts.gov)

# Historic En Banc Sessions

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- In January, the en banc court reheard seven cases en banc (one consolidated for argument). This is the most cases reheard at one sitting in the court's history.
- The court reheard six cases in September 2025 and has granted rehearing for one case in May 2026. Thus, the court will rehear at least 14 cases during the 2025-2026 court year, surpassing the previous high of ten rehearings en banc.

# AI Hallucinations in Briefs

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- The court continues to find “Hallucinated Citations” generated by Artificial Intelligence (AI) that are either false or cited wrongly submitted by parties.
- Surprisingly, most of these came from attorneys, although we also identified AI hallucinations in submissions filed by pro se filers.
- The court has issued show causes directives/orders and after review issued monetary sanctions.
- Counsel has an ethical obligation to ensure citations are accurate and fairly represent the submitted proposition. If AI is used in research, counsel must understand the potential for such “Hallucinations” and undertake precautions to ensure accuracy.

# Recent AI Hallucinations in pleadings

Case	Filer	Document Containing AI Hallucinations	Court Action
24-30777 Scroggins v. City of Shreveport	Pro Se	Appellant Brief contained 4 fake citations and 3 that did not support the claim presented.	Opinion Affirmed DC Summary Judgment Dismissal and Noted AI Hallucinated Cases.
25-60137 Alvarenga-Iraheta v. Bondi	Attorney	Appellant’s opening brief includes the quote “[t]he Fifth Circuit has recognized that ‘eyewitnesses to violent events, particularly when they implicate government actors, may form a particular social group.’ Gonzalez-Veliz v. Barr 938 F.3d 219, 227 (5th Cir. 2019),” which does not appear in the cited case nor in any Fifth Circuit jurisprudence.	<p>Court directed appellant to respond. He apologized and admitted that he failed to confirm the citation supported his contention.</p> <p>Petition for review was denied with Judgment requiring the petitioner to pay costs to the respondent for AI hallucination.</p>
25-20131 Renteria v. Grieg Star	Attorney	Appellant’s brief contained a fake case citation: In re Horizon Holdings, LLC, 2023 WL 1234567 (S.D. Tex. 2023) on page 18. Appellant also cited this case in its response to defendants’ motion for summary judgment on the district court level.	<p>Court directed appellant to respond. Firm admitted error.</p> <p>Case heard at Oral Argument on December 3, 2025.</p> <p>Pending decision and possible Disciplinary Action.</p>
25-10367 Barton v. Thomas	Attorney	Page 5 of the Appellant reply brief, cited a fake case citation: “Kneeland v. Am. Arbitration Ass’n, 956 F.2d 755, 760 (5th Cir. 1992)”	<p>After Show Cause notice counsel was sanctioned \$1,000.</p> <p>Court affirmed DC judgment.</p>
25-20086 Fletcher v. Experian info Solutions	Attorney	Reply brief contained 16 inaccurate or non-existent quotations and 5 other inaccurate citations or assertions.	<p>Court directed counsel to respond and then after review of initial response, directed further questions to counsel. Counsel responded on January 12, 2026. Pending decision regarding Disciplinary Action.</p> <p>Case vacated and remanded to the DC on January 27, 2026</p>

# New procedures for CM/ECF Sealed Items

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- In response to recent cyberattacks of District Court CM/ECF, most sealed and sensitive filings were removed from public dockets. The Administrative Office of the Courts created a secure repository for these documents accessible only to limited court staff.
- The EROA is now created without the inclusion of sealed documents. Counsel may still obtain access to these matters by filing a motion to view, however these documents are paginated as previously, and counsel should cite the document referencing the District Court document number and the specific page(s) within the document.
- We are actively working on a solution that will paginate sealed matters permitting attorneys to cite to the matter in briefs.

# Items of Interest Electronic Filing security

## **Implementation of Multifactor Authentication for CM/ECF:**

Multifactor authentication (MFA) is now available for PACER and CM/ECF. PACER account users with filing and all other types of CM/ECF-level access are required to enroll in MFA and are encouraged to do so at their earliest convenience. MFA enrollment is optional for users with PACER-only access, but it is strongly recommended. Users with CM/ECF-level access who do not voluntarily enroll will be randomly selected to enroll starting in August. By the end of 2025, everyone with CM/ECF-level access must use MFA when logging in.

**Updated PACER Password Standards:** As part of an ongoing effort to secure the PACER service and CM/ECF systems, the Administrative Office of the U.S. Courts (AO) will enforce updated PACER and CM/ECF password standards on August 25, 2025. Court users who use their JENIE accounts to access PACER or CM/ECF will not be affected. Users with PACER-only (search/view only) accounts (e.g., interns and externs), including PACER Administrative Accounts (PAAs), will be prompted to update their password upon login starting August 25 if they have not updated it as of May 11. However, PACER-only users can update their password now and are encouraged to do so. The new password must: 1. Be 14–45 characters in length. 2. Contain at least one lowercase letter, one uppercase letter, and one special character. 3. Not contain any part of your first name, last name, username, or email address. All PACER users must also update their password every 180 days.

# Filing Paper Copies of Briefs

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- The court recently amended 5th Cir. R. 25.2.1 to require paper copies of pleadings only when requested by the clerk. This make permanent the COVID era General Order that governed practice since 2020.
- When the clerk requests paper copies of pleadings, counsel must ensure that the copies submitted originate from the docket and contain the Court's EROA Bates numbering, as this will permit hyperlinking to pleadings.
- Why must paper copies be produced? Many judges still prefer paper briefs when preparing for OA.

# Quick Circuit Overview

## Nine Districts In Three States

### (28 USC §41)

#### 3 Louisiana Districts:

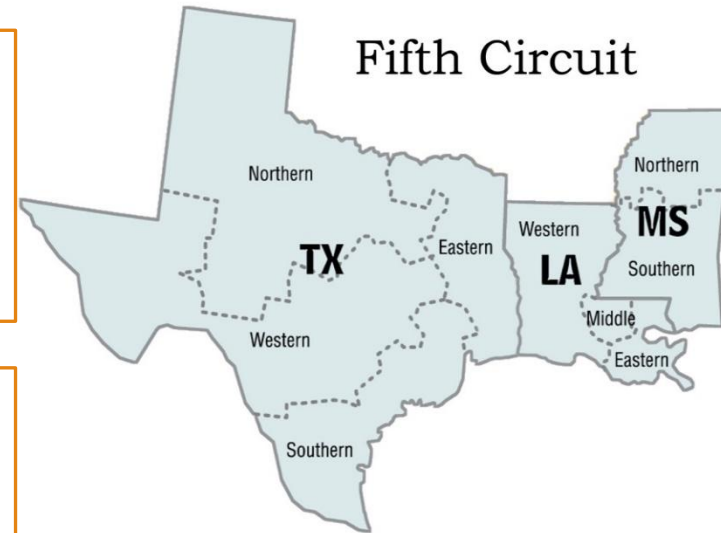
- Eastern District, New Orleans
  - Chief Judge Wendy B. Vitter - Clerk Carol L. Michel
- Middle District, Baton Rouge
  - Chief Judge Shelly D. Dick - Clerk Mike L. McConnell
- Western District, Shreveport
  - Chief Judge Terry A. Doughty - Clerk Daniel J. McCoy

#### 2 Mississippi Districts:

- Northern District, Oxford
  - Chief Judge Debra M. Brown – Acting Clerk Daniel McHugh
- Southern District, Jackson
  - Chief Judge Halil S. Ozerden- Clerk Arthur Johnston, III

#### 4 Texas Districts:

- Eastern District, Beaumont
  - Chief Judge Amos L. Mazzant, III - Clerk David O’Toole
- Northern District, Dallas
  - Chief Judge Reed O’Connor - Clerk Karen Mitchell
- Southern District, Houston
  - Chief Judge Randy Crane - Clerk Nathan Ochsner
- Western District, San Antonio
  - Chief Judge Alia Moses - Clerk Philip J. Devlin



# The court has 17 Active and 7 Senior\* Judges, in the locations noted.

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## Houston

Chief Judge Elrod and  
Judges King\*, Jones, and  
Smith

## Austin

Judges Richman,  
Higginbotham\*,  
Southwick, Willett, and  
Oldham.

## Dallas

Judges Haynes, Ho, and  
Ramirez

## Jackson

Judges Barksdale\*,  
Graves, and Wilson

## Shreveport

Judge Stewart

## New Orleans

Judges Davis\*, Wiener\*,  
Clement\*, Dennis\*,  
Higginson, Engelhardt  
and Douglas

## Baton Rouge

Judge Duncan

# How to access Case Information, Oral Arguments, and Opinions?

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Sign up to receive notice of case activity and access documents through PACER.

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We live stream audio of all oral arguments (including from Law Schools) on our website.

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Recordings of OA are uploaded to the Court Website and our YouTube channel shortly after the hearing ends.

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We post opinions at least twice daily on our website. Subscribe at the link below to receive email notices of opinions: <https://www.ca5.uscourts.gov/electronic-case-filing/case-information/opinion-subscriptions>





# UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Honorable Jennifer W. Elrod, Chief Judge



ABOUT THE  
COURT

ATTORNEY  
INFORMATION

CASE INFO & E-  
FILING

ORAL ARGUMENT  
INFORMATION

RULES &  
PROCEDURES

FORMS,  
GUIDE

## News & Announcements

[Latest Opinions/Orders](#)

[Current Vacancies](#)

### Public Access to Oral Arguments

Links to upcoming hearings are contained in the document listed below. Live audio links are active only during arguments and are paused between cases or during any technical issues. For those unable to listen live, we continue to post audio recordings after the proceeding, on the oral argument recordings page: [Oral Argument Recordings](#).

[February 3 - 6 Oral Argument Links](#)

[Press Release - New Chief Judge](#)

### Attention CM/ECF Filers

Effective immediately, electronic case filing (CM/ECF) will be unavailable every Saturday from 6:00 a.m. to approximately 7:00 a.m. central standard time to permit scheduled maintenance.



Lafayette Square East

1 2

## Quick Links

- [Contact the Clerk's Office About My Case](#)
- [Electronic Filing and PACER Login](#)
- [Calendars](#)
- [Opinion Subscriptions](#)
- [Oral Argument Recordings](#)
- [Oral Argument Live Streams](#)
- [O.A. Live Streams by Case](#)
- [Clerk's Office FAQs](#)
- [ECF Filing Instructions](#)
- [Assistance in Preparing Briefs](#)

## Other Resources

- [Pattern Jury Instructions](#)
- [CJA Vouchers](#)
- [Vacancies](#)
- [Judicial Seminars Disclosure](#)
- [Judicial Conduct and Disability](#)
- [Reports of Judicial Conduct Proceedings](#)
- [Your Employee Rights and How to Report Wrongful Conduct](#)
- [Civics Education](#)

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# Listening to live arguments

# Live Streams

## By Day

## By Case

	<a href="#">ABOUT THE COURT</a>	<a href="#">ATTORNEY INFORMATION</a>	<a href="#">CASE INFO &amp; E-FILING</a>	<a href="#">ORAL ARGUMENT INFORMATION</a>	<a href="#">RULES &amp; PROCEDURES</a>	<a href="#">FORMS, FEES &amp; GUIDES</a>	<a href="#">OTHER LINKS</a>
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### Court and Special Hearing Calendars

#### Live Streams for Today

Number ↑	Style	Nature	Time	Venue
<a href="#">23-10735</a>	USA v. Tammy Walden Thomas, Appellant.	<a href="#">Listen</a> Criminal (DCRIM)	9:00 AM	West Courtroom
<a href="#">23-20354</a>	USA v. Sha Kendrick Smith, Appellant.	<a href="#">Listen</a> Criminal (DCRIM)	9:00 AM	En Banc Courtroom
<a href="#">23-20448</a>	Petrobras America, Appellant-Appellee v. Samsung Heavy Industries Company.	<a href="#">Listen</a> RICO (Fed Q)	9:00 AM	En Banc Courtroom
<a href="#">23-30424</a>	Michael Holmes v. Corbett Reddoch, Et Al., Appellants.	<a href="#">Listen</a> Other Civil Rights	9:00 AM	East Courtroom
<a href="#">23-30444</a>	USA v. Terrell Moore, Appellant.	<a href="#">Listen</a> Criminal (DCRIM)	9:00 AM	West Courtroom
<a href="#">23-50720</a>	Rainbow Energy Marketing Corporation, Appellant v. DC Transco.	<a href="#">Listen</a> Other Contract Actions (Dvsty)	1:00 PM	En Banc Courtroom
<a href="#">23-50928</a>	Crystal Clear Special Utility District v. HK Baugh Ranch, Appellant.	<a href="#">Listen</a> Agricultural Acts (Fed Q)	9:00 AM	West Courtroom
<a href="#">24-10084</a>	Elio Cerkezi, Et Al., Appellants v. City of Arlington, Et Al.	<a href="#">Listen</a> Other Civil Rights	9:00 AM	En Banc Courtroom
<a href="#">24-20007</a>	Banco Mercantil De Norte, S.A., Et Al. v. Juan Jose Paramo, Appellant.	<a href="#">Listen</a> Other Statutory Actions (FedQ)	9:00 AM	East Courtroom
<a href="#">24-40248</a>	M.D., Et Al. v. Greg Abbott, Et Al., Appellants.	<a href="#">Listen</a> Other Civil Rights	4:30 PM	En Banc Courtroom

[Return to Calendars Home](#)

	<a href="#">ABOUT THE COURT</a>	<a href="#">ATTORNEY INFORMATION</a>	<a href="#">CASE INFO &amp; E-FILING</a>	<a href="#">ORAL ARGUMENT INFORMATION</a>	<a href="#">RULES &amp; PROCEDURES</a>	<a href="#">FORMS, FEES &amp; GUIDES</a>	<a href="#">OTHER LINKS</a>
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### Court and Special Hearing Calendars

#### Pending Hearings by Case

Number ↑	Style	Date	Nature	Time	Venue
<a href="#">19-70022</a>	Rodney Reed, Appellant v. Bryan Goertz, Et Al. (30 MINUTES PER SIDE)	9/23/2024	Habeas Corpus - Death Penalty	10:30 AM	West Courtroom
<a href="#">23-10661</a>	Michael Ray Senn, Appellant v. Bobby Lumpkin.	9/3/2024	Habeas Corpus	1:00 PM	East Courtroom
<a href="#">23-10735</a>	USA v. Tammy Walden Thomas, Appellant.	8/5/2024	Criminal (DCRIM)	9:00 AM	West Courtroom
<a href="#">23-10773</a>	J.T., Appellant v. Uplift Education.	9/5/2024	Civil Rights	9:00 AM	West Courtroom
<a href="#">23-10904</a>	Munck Wilson Mandala, Appellant v. Mark Jordan, Et Al.	8/6/2024	RICO (Fed Q)	9:00 AM	En Banc Courtroom
<a href="#">23-10911</a>	Highland Capital Management, L.P. v. NexPoint Asset Management, L.P., Et Al., Appellants	8/6/2024	Bankruptcy	9:00 AM	East Courtroom
<a href="#">23-11023</a>	Steve Biggers, Appellant v. Ron Massingill.	9/5/2024	Other Civil Rights	9:00 AM	East Courtroom
<a href="#">23-11065</a>	Southwest Airlines Pilots Association, Appellant v. Southwest Airlines Company.	8/6/2024	Railway Labor Act (Fed Q)	9:00 AM	East Courtroom
<a href="#">23-11084</a>	Nathaniel King, Appellant v. DFW International Airport Board.	8/8/2024	Americans w/Disab Act-Empl	9:00 AM	East Courtroom
<a href="#">23-11120</a>	Placid Oil, Appellant v. Avalon Farms.	9/5/2024	Bankruptcy	9:00 AM	En Banc Courtroom
<a href="#">23-11132</a>	USA v. Ruel M. Hamilton, Appellant.	8/7/2024	Criminal (NCRIM)	9:00 AM	East Courtroom
<a href="#">23-11208</a>	Suzann Ruff, Appellant v. Destination Development Partners, Et Al.	9/4/2024	Bankruptcy	9:00 AM	East Courtroom
<a href="#">23-11247</a>	Fonda Wicks, Appellant v. Metropolitan Life Insurance Company.	8/6/2024	Employee Retirement (Fed Q)	9:00 AM	West Courtroom
<a href="#">23-20140</a>	Scott Sullivan, Et Al. v. Stewart Feldman, Et Al., Appellants. (30 MINUTES PER SIDE)	8/7/2024	Recovery/Enforcement (Dvsty)	9:00 AM	En Banc Courtroom
<a href="#">23-20188</a>	Michel Keck, Appellant-Appellee; Mathew Kidman Higbee, Et Al. v. Mix Creative Learning Center, Et Al.	8/6/2024	Copyright (Fed Q)	9:00 AM	En Banc Courtroom
<a href="#">23-20354</a>	USA v. Sha Kendrick Smith, Appellant.	8/5/2024	Criminal (DCRIM)	9:00 AM	En Banc Courtroom
<a href="#">23-20435</a>	Feanyichi E. Uvukansi, Appellant v. Bobby Lumpkin.	9/3/2024	Habeas Corpus	1:00 PM	West Courtroom
<a href="#">23-20448</a>	Petrobras America, Appellant-Appellee v. Samsung Heavy Industries Company.	8/5/2024	RICO (Fed Q)	9:00 AM	En Banc Courtroom
<a href="#">23-20502</a>	Kimaletha Wynn, Et Al., Appellants; Vincent Leday, Et Al., Appellants v. Harris County, Texas, Et Al.	8/7/2024	Other Civil Rights	9:00 AM	West Courtroom
<a href="#">23-20513</a>	USA v. Arturo Garza, Jr., Appellant.	9/4/2024	Criminal (DCRIM)	9:00 AM	East Courtroom
<a href="#">23-20516</a>	Great Lakes Dredge & Dock Company, Appellant v. Chris Magnus, Et Al.; American Petroleum Institute.	9/3/2024	Other Statutes	1:00 PM	East Courtroom
<a href="#">23-20522</a>	Zyla Life Sciences, Appellant-Appellee v. Wells Pharma of	8/22/2024	Other personal prop	9:00 AM	En Banc Courtroom



# U.S. Court of Appeals for the Fifth Circuit

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<p><i>DISABILITY RIGHTS TEXAS V. HOLLIS</i></p> <p>MONDAY, MARCH 4, 2024 LSU SCHOOL OF LAW PANEL: JUDGES STEWART, DUNCAN, AND ENGELHARDT</p> <p>JEFFERY T. NOBLE BRANTY LEVINE CORDELLY FORTNER</p> <p><b>43:04</b></p>	<p><i>MIECO, L.L.C. V. PIONEER</i></p> <p>MONDAY, MARCH 4, 2024 LSU SCHOOL OF LAW PANEL: JUDGES STEWART, DUNCAN, AND ENGELHARDT</p> <p>CREGGTON MAD CHRISTOPHER R. J. J.</p> <p><b>43:04</b></p>	<p><i>AMER PEARL GRP V. NATL PAYMENT SYS</i></p> <p>MONDAY, MARCH 4, 2024 LSU SCHOOL OF LAW PANEL: JUDGES STEWART, DUNCAN, AND ENGELHARDT</p> <p>KENNETH J. CATANELI PETER N. KESSLE</p> <p><b>37:21</b></p>	<p><i>LEWIS V. CROCHET</i></p> <p>MONDAY, MARCH 4, 2024 LSU SCHOOL OF LAW PANEL: JUDGES STEWART, DUNCAN, AND ENGELHARDT</p> <p>BRANDON KELLY BL LARRY ENGLISH</p> <p><b>39:44</b></p>	<p><i>MARSH V. CHAS KURZ</i></p> <p>MONDAY, MARCH 4, 2024 LSU SCHOOL OF LAW PANEL: JUDGES STEWART, DUNCAN, AND ENGELHARDT</p> <p>MEREDITH KAY CL JOSEPH EDWARD LEL</p> <p><b>40:40</b></p>
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23-20171 Disability Rights

23-10575 Mieco, L.L.C. v.

23-10804 Amer Pearl Grp v.

23-30386 Lewis v. Crochet,

23-30460 Marsh v. Chas

## Recorded Arguments on YouTube

[HTTPS://WWW.YOUTUBE.COM/@USCOURTSCA5](https://www.youtube.com/@uscourtscas5)



## YouTube Features

- Closed Captions
- Search by judge, case title or number, and attorney
- Note: we do not display the number of “Likes” or “Dislikes”

23-20171 Disability Rights Texas v. Hollis, March 4, 2024



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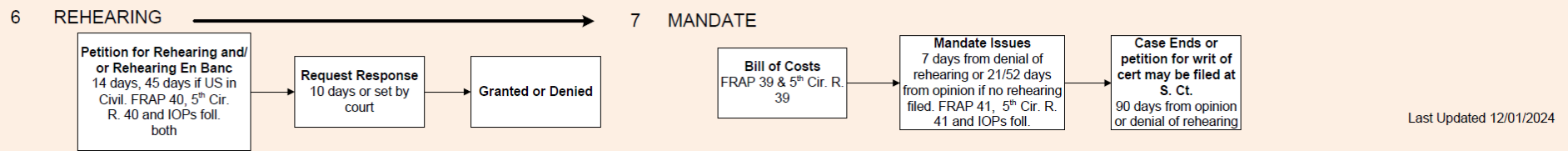
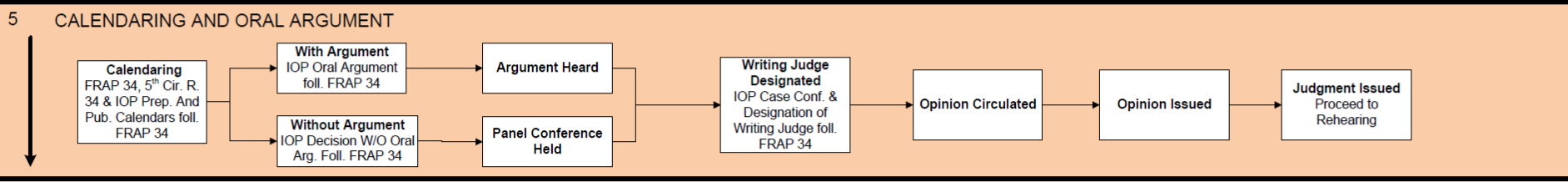
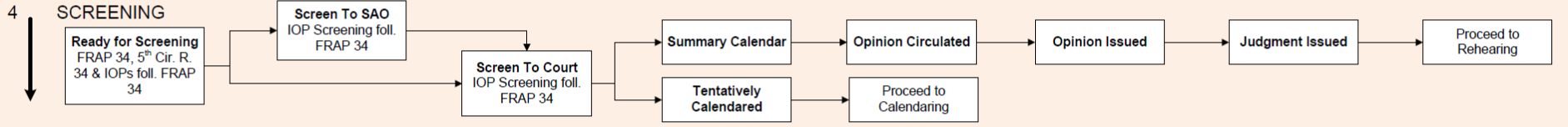
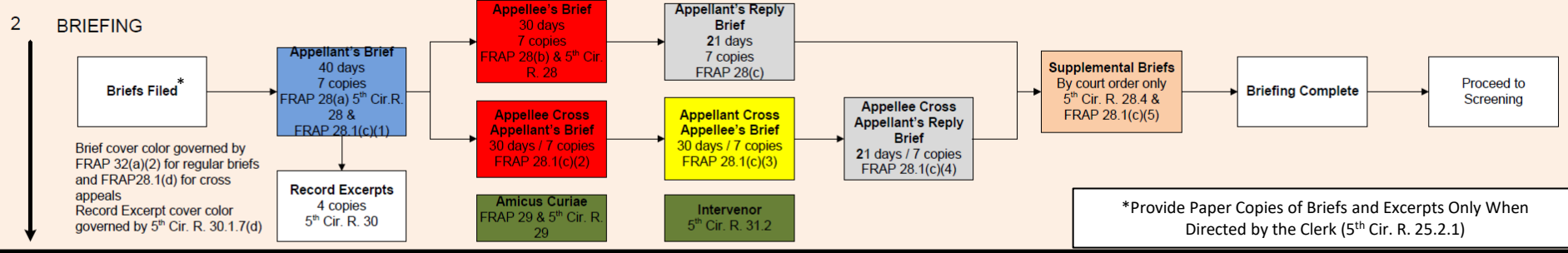
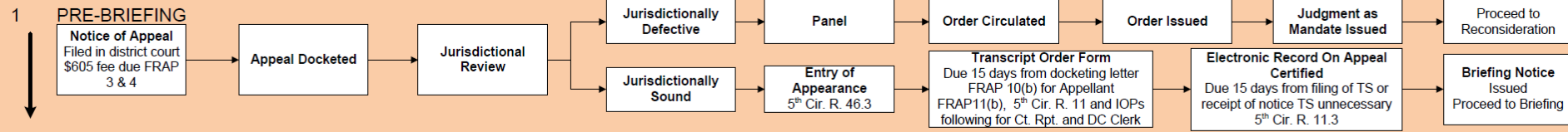
# Items of Interest

## Key Resources for Attorneys

- ▶ Website: [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov) (Access to OA livestreams, calendars, opinions, and so much more!)
  - ▶ [Practitioner Guide](#) (please review!)
  - ▶ [Fifth Circuit Life of the Appeal Flow Chart](#)
  - ▶ [Frequently Asked Questions \(FAQ\)](#)
  - ▶ [Brief Guidance and Sample Briefs](#)
  - ▶ [Guide to Filing Emergency Motions](#)
  - ▶ [Record Reference Guide \(Cite link\)](#)
  - ▶ [Case Management Teams Contact List](#)
  - ▶ [5<sup>th</sup> Circuit YouTube Channel](#)
  - ▶ Help Desk: 877.232-1038 or [Webmaster@ca5.uscourts.gov](mailto:Webmaster@ca5.uscourts.gov)
  - ▶ ATTORNEY TOOLBOX in [CM/ECF!](#)

# THE LIFE OF AN APPEAL IN THE FIFTH CIRCUIT COURT OF APPEALS\*

\* Does not encompass Mandamus, Original Proceedings or Petitions for Review



Last Updated 12/01/2024

# Calling the Clerks Office About Your Appeal

CASE MANAGEMENT TEAMS		
Case Administration Manager: Peter Conners 310-7685		All Clerk's Office Numbers are 504 Area Code
<b>NORTHERN AND WESTERN TEXAS</b> 10001-19999                      50001-59999 Group Main No. 310-7806	<b>SOUTHERN AND EASTERN TEXAS</b> 20001-29999                      40001-49999 Group Main No. 310-7807	<b>LOUISIANA, MISSISSIPPI, &amp; AGENCY</b> 30001-39999                      60001-69999 Group Main No. 310-7808
<b><u>CASE MANAGER</u></b>	<b><u>CASE ADMINISTRATOR TEAM LEADER</u></b>	<b><u>CASE MANAGER</u></b>
Christina Gardner (CAG) 310-7684	Angelique Tardie (ABT) 310-7715	Shea Pertuit VanVoorhis (SEP) 310-7666
<b>Nos. Ending in 1,</b> Casey Sullivan (CAS): 310-7642  <b>Nos. Ending in 2,</b> Jasmine Forman (JFJ): 310-7649  <b>Nos. Ending in 3, &amp; Death Penalty:</b> Mary Frances Yeager (MFY): 310-7686  <b>Nos. Ending in 4:</b> Lisa Ferrara (LEF): 310-7675  <b>Nos. Ending in 5:</b> Eyonka Falls (EMF): 310-7670  <b>No. ending in 6:</b> Melissa Courseault (MBC): 310-7701  <b>No. ending in 7:</b> Rebecca Jeanfreau (RLJ): 310-7645  <b>No. ending in 8, 9, and 0: are routed as identified above based on the 2<sup>nd</sup> to last number.</b>  <b>Other Team Members:</b> Nina Fernandez (NMF): 310-7630  Renee McDonough (RSM): 310-7673	<b>Nos. Ending in 0:</b> Melissa Mattingly (MRM): 310-7719  <b>Nos. Ending in 1:</b> Rebecca Andry (RCA): 310-7638  <b>Nos. Ending in 2:</b> Amanda Duroncelet (AMD): 310-7636  <b>Nos. Ending in 3:</b> Christy Combel (CMC): 310-7651  <b>Nos. Ending in 4:</b> Rebecca Leto (RLL): 310-7703  <b>Nos. Ending in 5:</b> Shatyra Rasheed (SMR): 310-7646  <b>Nos. Ending in 6:</b> Dantrell Johnson (DLJ): 310-7689  <b>Nos. Ending in 7:</b> Sean Hannan (SRH): 310-7702  <b>Nos. Ending in 8:</b> Roeshawn Johnson (RAJ): 310-7998  <b>No. ending in 9: are routed as identified above based on the 2<sup>nd</sup> to last number.</b>	<b>Other Team Members:</b>  Izzy Candanoza (IAC): 310-7680  Kierston Jackson (KAJ): 310-7705  Jacob Keel (JAK): 310-7672  <b>Records:</b>  Dawn LeBlanc (DDL): 310-7717
<b>DEATH PENALTY 70000</b> Mary Frances Yeager (MFY): 310-7686; 1 <sup>st</sup> Backup: Casey Sullivan (CAS) 310-7642; 2 <sup>nd</sup> Backup: Dantrell Johnson (DLJ): 310-7689		
<b>ALL TEAMS/ALL CASE NUMBERS</b>		
<b>OPINION SPECIALIST TEAM LINE: 310-7800</b> Peter Conners: 310-7685 Christy Combel: 310-7651 Backup: Rebecca Andry: 310-7638		<b>RECORDS DATA QUALITY ANALYSTS</b>  Dawn LeBlanc (DDL): 310-7717

# Features that help attorneys practice in our court

Display your deadlines at the CM/ECF home screen.



## Attorney Toolbox

Download the EROA free.

Download a template to help you write your brief.

Create record excerpts online!

QC your brief to identify possible deficiencies.

Create and view hyperlinks in pleadings!

# New Attorney Toolbox

The screenshot shows the Attorney Toolbox web application interface. At the top left, there is a hamburger menu icon and the text "Attorney Toolbox" with "United States Court of Appeals for the Fifth Circuit" below it. A dark blue sidebar on the left contains a home icon and the following menu items: "Home", "Brief Templates", "Create Record Excerpts", "Electronic Records", "Create & View Hyperlinks", and "Check PDF Document". The main content area has a dark red header with the word "Home" and a white body containing a welcome message.

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

**Home**

**Welcome to the Attorney Toolbox**  
Select the Brief Templates link to download a partially completed brief for active cases in which you have filed an appearance form.  
Select Create Record Excerpts to use our utility to assist you in creating the required Record Excerpts.  
You can download the public portions of a compiled electronic records via the Electronic Records link.  
You can also use the Create & View Hyperlinks link to upload documents prior to filing to verify the citations recognized, including the ROA citations. The ROA citations are active links, clicking upon them will retrieve the document that contains the bates number so you can verify that you are citing the correct content in the record on appeal.

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

Home  
Brief Templates  
Create Record Excerpts  
**Electronic Records**  
Create & View Hyperlinks  
Check PDF Document

### Electronic Records

Active Cases Closed Cases All Cases

Case Number	Title	Type	Date accepted
15-30162	Bd Cmsnr SE LA Flood Protc v. Tennessee Gas ...	Original	Mar 23, 2015, 2:45:11 PM
15-98007	Deepwater Horizon v.	Original	Dec 16, 2015, 10:01:44 AM
17-30031	Peaker Energy Group, L.L.C. v. Cargill, Incorporat...	Original	Feb 14, 2017, 10:16:23 AM
17-30031	Peaker Energy Group, L.L.C. v. Cargill, Incorporat...	Supplemental #1	Mar 30, 2017, 1:03:02 PM
17-30031	Peaker Energy Group, L.L.C. v. Cargill, Incorporat...	Supplemental #2	Jun 5, 2017, 8:58:16 AM
17-30031	Peaker Energy Group, L.L.C. v. Cargill, Incorporat...	Supplemental #3	Jun 30, 2017, 2:16:50 PM
18-30688	Vintage Assets, Incorporated v. Tennessee Gas ...	Original	Jul 30, 2018, 3:57:48 PM
21-30041	Peregrino-Guevara v. Witte	Original	Feb 25, 2021, 10:44:01 AM
22-30103	Turner v. GoAuto Insurance	Original	Mar 3, 2022, 11:26:55 AM
24-30291	Fleming v. Black Diamond Captl	Original	May 31, 2024, 4:36:21 PM
24-30291	Fleming v. Black Diamond Captl	Supplemental #1	Jul 29, 2024, 11:17:51 AM
24-30744	Talluri v. AIG Property Casualty	Original	Feb 7, 2025, 12:52:44 PM
25-10942	Jackson v. Univ of TX SW Medical	Original	Sep 15, 2025, 3:32:26 PM
25-20351	Van Dyke v. Alonso	Original	Sep 4, 2025, 12:58:35 PM
26-60010	Harris Finley v. Americredit Financial	Original	Jan 28, 2026, 9:26:34 AM

## Downloading the EROA

Click on “Electronic Records” to download an EROA. Select the record.  
This screen shows multiple EROA files available to a public defender.

**Record Volumes for 26-60010 -- accepted Jan 28, 2026, 9:26:34 AM**

[SELECT ALL VOLUMES](#)      [REMOVE ALL VOLUMES](#)      [CREATE PDF PORFOLIO](#)

Selected	Volume/Document	Action	Pages	Download
<input checked="" type="checkbox"/>	Docket Sheet for 1:25-CV-335	<a href="#">REMOVE</a>	1 - 8	<a href="#">DOWNLOAD</a>
<input checked="" type="checkbox"/>	▶ Pleadings	<a href="#">REMOVE</a>	9 - 347	<a href="#">DOWNLOAD</a>
<input checked="" type="checkbox"/>	▶ Pleadings, vol. 2	<a href="#">REMOVE</a>	348 - 710	<a href="#">DOWNLOAD</a>
<input checked="" type="checkbox"/>	▶ Pleadings, vol. 3	<a href="#">REMOVE</a>	711 - 965	<a href="#">DOWNLOAD</a>

**After clicking on the file, a summary displays.**

**Click “Select All Volumes” to download all or part of record.**

**We recommend “Create Portfolio” option for larger records.**

**U.S. District Court**  
**Southern District of Mississippi (Southern)**  
**CIVIL DOCKET FOR CASE #: 1:25-cv-00335-LG-BWR**  
**Internal Use Only**

Finley v. AmeriCredit Financial Services, Inc. et al  
Assigned to: District Judge Louis Guirola, Jr  
Referred to: Magistrate Judge Bradley W. Rath  
Case in other court: Fifth Circuit, 26-60010  
Harrison County County Court,  
D2401-25-01766

Date Filed: 11/12/2025  
Date Terminated: 12/30/2025  
Jury Demand: None  
Nature of Suit: 480 Consumer Credit  
Jurisdiction: Federal Question

Cause: 15:1681 Fair Credit Reporting Act

**Plaintiff**

**Gracie Faye Harris Finley**

represented by **Gracie Faye Harris Finley**  
39 Fleetwood Dr.  
Gulfport, MS 39503  
PRO SE

V.

**Defendant**

**AmeriCredit Financial Services, Inc.**  
*doing business as*  
GM Financial

represented by **Alan Daniel Leeth**  
BURR & FORMAN, LLP - Jackson  
The Pinnacle at Jackson Place  
190 East Capitol Street, Suite M-100  
Jackson, MS 39201  
601-355-3434  
Fax: 601-355-5150  
Email: aleeth@burr.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Gulfport Capital, LLC**  
*doing business as*  
Champion Chrysler Dodge Jeep Ram

represented by **Kristi Rogers Brown**  
DANIEL, COKER, HORTON & BELL -  
Gulfport  
P. O. Box 416  
1712 15th Street, Suite 400 (39501)  
Gulfport, MS 39502-0416  
228/864-8117  
Fax: 228/864-6331  
Email: kbrown@danielcoker.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Randolph Simmons Mikell**

 26-60010.1

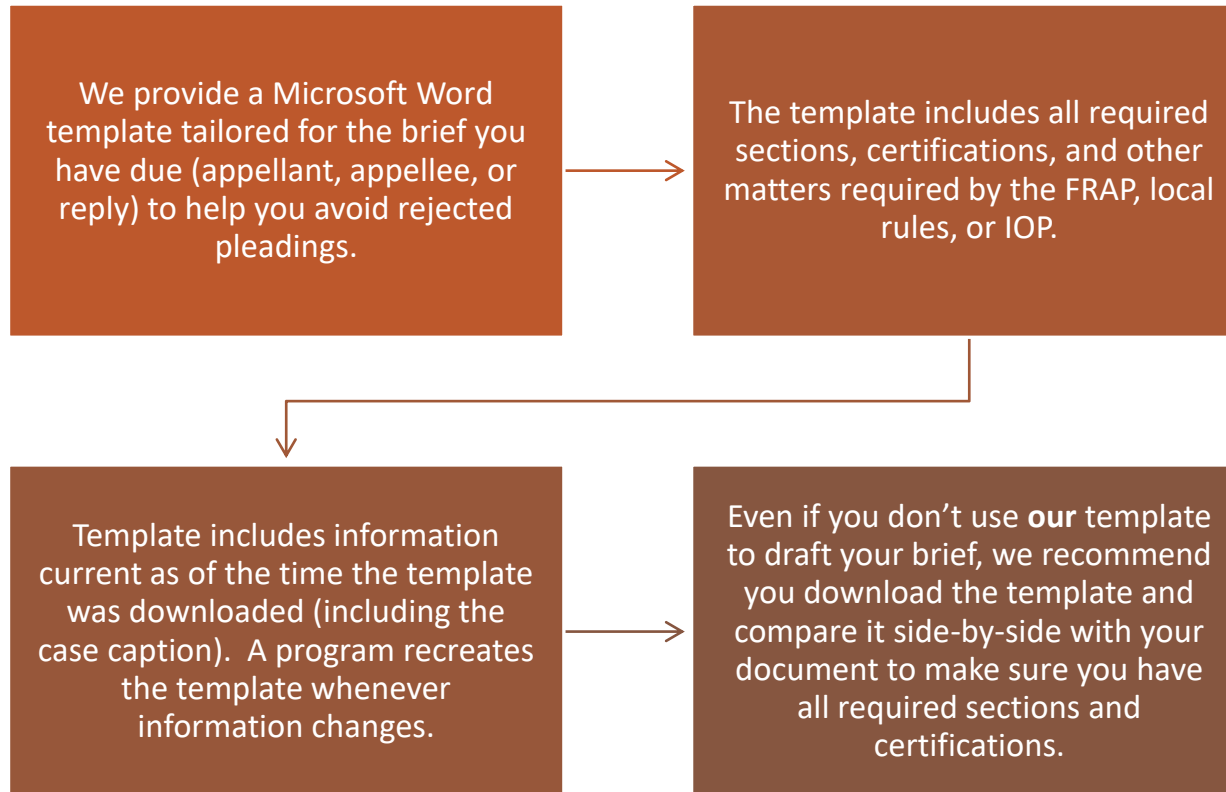
**Make sure to use Adobe  
as the PDF viewer.**

**Pagination is only  
viewable in Adobe.**

**Attorneys writing briefs  
must cite to the pages of  
the record using guidance  
in local rule 28.2.2.**

# Download a customized brief template

---



# Downloading your Template

The screenshot shows the Attorney Toolbox interface for the United States Court of Appeals for the Fifth Circuit. The sidebar on the left contains a menu with the following items: Home, Brief Templates (highlighted with a red arrow), Create Record Excerpts, Electronic Records, Create & View Hyperlinks, and Check PDF Document. The main content area is titled 'Brief Templates' and features three filter buttons: 'Active Cases', 'Closed Cases', and 'All Cases'. Below these is a table with two columns: 'Title' and 'Doc Type'. The table lists several case entries, each with a right-pointing triangle icon. The last entry is expanded, showing a left-pointing triangle icon and the following details:

Title	Doc Type
▶ Case Number: 24-30291 - 2 items	
▶ Case Number: 24-30744 - 2 items	
▶ Case Number: 25-10942 - 2 items	
▶ Case Number: 25-20351 - 2 items	
▶ Case Number: 25-20396 - 2 items	
▶ Case Number: 25-60663 - 2 items	
▼ Case Number: 26-60010 - 1 item	
Harris Finley v. Americredit Financial	Appellee Brief

A red arrow points to the 'DOWNLOAD' button located to the right of the 'Appellee Brief' entry.

# Brief Templates

Navigation

Search document

Headings Pages Results

- CERTIFICATE OF INTERESTED PERSONS
- STATEMENT REGARDING ORAL ARGUMENT
- TABLE OF CONTENTS
- TABLE OF AUTHORITIES
- JURISDICTIONAL STATEMENT
- STATEMENT OF THE ISSUES
- STATEMENT OF THE CASE
- SUMMARY OF THE ARGUMENT
- ARGUMENT
- CONCLUSION
- CERTIFICATE OF SERVICE
- CERTIFICATE OF COMPLIANCE

No. 26-60010

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Gracie Faye Harris Finley,

Plaintiff - Appellant

v.

Americredit Financial Services, Incorporated, doing business as GM Financial;  
Gulfport Capital, L.L.C., doing business as Champion Chrysler Dodge Jeep Ram,

Defendants - Appellees

United States District

BRIEF OF APPEAL

JURISDICTIONAL STATEMENT

Type here a Jurisdictional Statement as required by FED. R. APP. P. 28(a)(4)(A) through (D)

STATEMENT OF THE ISSUES

Type here a Statement of Issues presented for review as required by FED. R. APP. P. 28(a)(5).

STATEMENT OF THE CASE

Statement of the Case as required by FED. R. APP. P. 28(a)(6).

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of 5<sup>th</sup> Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

<b>Appellees:</b> Americredit Financial Services, Incorporated Gulfport Capital, L.L.C.	<b>Counsel for Appellees:</b> Alan Leath of Burr & Forman, L.L.P., Birmingham, AL Kristi Brown of Daniel, Coker, Horton & Bell, P.A. Gulfport, MS
<b>Appellants:</b> Gracie Harris Finley	<b>Counsel for Appellants:</b> Gracie Harris Finley Gulfport, MS
<b>Other Interested Parties:</b> Type Here	<b>Counsel for Interested Parties:</b> Type Here

S/Kristi Rogers Brown  
Attorney of record for Type Here

A Certificate of Interested Persons is required by 5<sup>th</sup> Cir. R. 28.2.1.

i

SUMMARY OF THE ARGUMENT

Summary of the Argument as required by FED. R. APP. P. 28(a)(7)(B)

ARGUMENT

2

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of FED. R. APP. P. 32(a)(7)(B) because, excluding the parts of the document exempted by FED. R. APP. P. 32(f), and 5<sup>th</sup> Cir. R. 32.1: this document contains [state the number of] words.

2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5), and 5<sup>th</sup> Cir. R. 32.1 and the type-style requirements of FED. R. APP. P. 32(a)(6) because:

this document has been prepared in a proportionally spaced typeface using [state name and version of word-processing program] in [state font size and name of type style].

S/Kristi Rogers Brown

A certificate of compliance if required by FED. R. APP. P. 32(g)(1), 5<sup>th</sup> Cir. R. 32.3, and FED. R. APP. P. 28(a)(10).

5

# create record excerpts required by local rule 30

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

Home  
Brief Templates  
**Create Record Excerpts**  
Electronic Records  
Create & View Hyperlinks  
Check PDF Document

### Record Excerpts Due

Enter appellate case number  [SEARCH](#) [RESET](#)

Case Number	Title		Due Date
25-50583	USA v. Rivera-Carranza	<a href="#">CREATE</a>	Mar 2, 2026
25-50591	USA v. Marte-Roble	<a href="#">CREATE</a>	Mar 9, 2026
25-50600	USA v. Herrera-Gonzalez	<a href="#">CREATE</a>	Mar 10, 2026
25-50601	USA v. Herrera-Gonzalez	<a href="#">CREATE</a>	Mar 10, 2026
25-50608	USA v. Lujan	<a href="#">CREATE</a>	Jan 30, 2026
25-50623	USA v. Ayala-Malagon	<a href="#">CREATE</a>	Mar 9, 2026
25-50636	USA v. Malagon-Ayala	<a href="#">CREATE</a>	Mar 9, 2026
25-50674	USA v. Vargas	<a href="#">CREATE</a>	Feb 23, 2026
25-50727	USA v. Cabrera-Paredes	<a href="#">CREATE</a>	Mar 2, 2026
25-50734	USA v. Sias	<a href="#">CREATE</a>	Feb 19, 2026
26-60010	Harris Finley v. Americredit Financial	<a href="#">CREATE</a>	Jan 28, 2026

Select the Appeal Requiring Record Excerpts

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

Home  
Brief Templates  
**Create Record Excerpts**  
Electronic Records  
Create & View Hyperlinks  
Check PDF Document

**Create Record Excerpts for 26-60010**

DISPLAY INSTRUCTIONS

1 Verify Required Documents    2 Select Optional Documents    3 Finalize and Download

Document	Doc...	Pages	Selected	Action
Category: Docket Sheet - 1 item				
DOCKET SHEET - 1:25-CV-335		1 - 8	<input checked="" type="checkbox"/>	REMOVE
Category: Judgment/Order/Opinion - 4 items				
ORDER ON MOTION FOR TRO	28	664 - 665	<input type="checkbox"/>	ADD
ORDER ON MOTION FOR MISCELLA	54	933 - 950	<input type="checkbox"/>	ADD
JUDGMENT	55	951	<input type="checkbox"/>	ADD
ORDER ON MOTION FOR LEAVE TO	59	960 - 961	<input type="checkbox"/>	ADD
Category: Notice of Appeal - 1 item				
NOTICE OF APPEAL	57	958 - 959	<input checked="" type="checkbox"/>	REMOVE
Category: Other - 78 items				
EXHIBIT A - STATE COURT FILE	1	15 - 131	<input type="checkbox"/>	ADD
EXHIBIT B - CONSENT TO REMOVAI	1	132 - 133	<input type="checkbox"/>	ADD
CIVIL COVER SHEET	1	134 - 135	<input type="checkbox"/>	ADD
NOTICE (OTHE	2	136	<input type="checkbox"/>	ADD

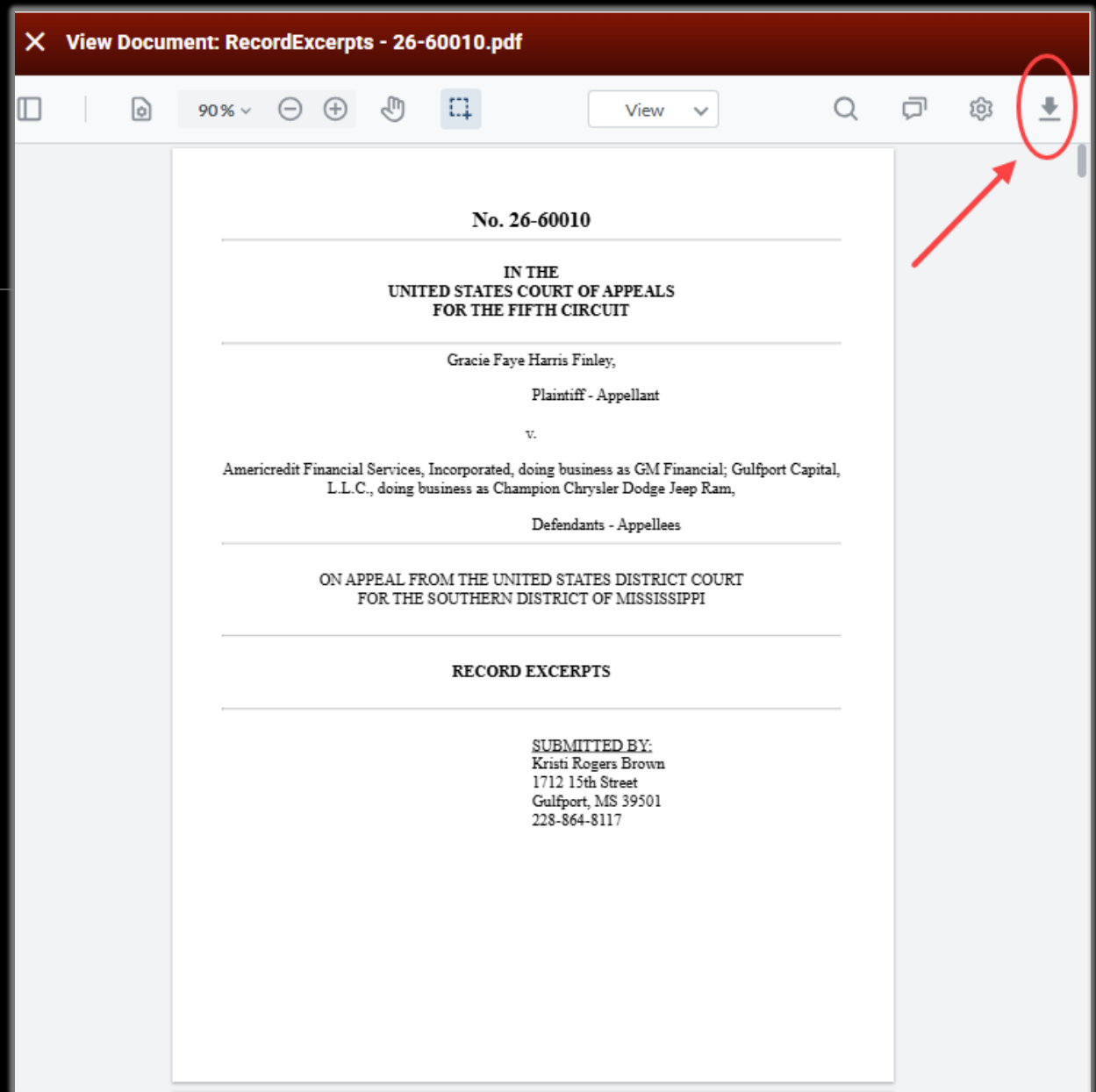
PREVIOUS    NEXT

1. Verify Pre-Selected Documents.

2. Add Optional Content.

3. Finalize and Download.

**When review  
is complete,  
download  
and save for  
filing.**



The screenshot shows a PDF viewer window titled "View Document: RecordExcerpts - 26-60010.pdf". The toolbar includes a close button, a home icon, a zoom level of 90%, zoom in and out buttons, a hand icon, a crop icon, a "View" dropdown menu, a search icon, a comment icon, a settings icon, and a download icon. The download icon is circled in red, and a red arrow points to it from the right side of the window. The document content is centered and reads:

**No. 26-60010**

---

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

---

Gracie Faye Harris Finley,  
Plaintiff - Appellant

v.

Americredit Financial Services, Incorporated, doing business as GM Financial; Gulfport Capital,  
L.L.C., doing business as Champion Chrysler Dodge Jeep Ram,

Defendants - Appellees

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

---

**RECORD EXCERPTS**

---

SUBMITTED BY:  
Kristi Rogers Brown  
1712 15th Street  
Gulfport, MS 39501  
228-864-8117

**No. 26-60010**

---

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

---

Gracie Faye Harris Finley,

Plaintiff - Appellant

v.

Americredit Financial Services, Incorporated, doing business as GM Financial; Gulfport Capital,  
L.L.C., doing business as Champion Chrysler Dodge Jeep Ram,

Defendants - Appellees

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

---

**RECORD EXCERPTS**

---

**SUBMITTED BY:**  
Kristi Rogers Brown  
1712 15th Street  
Gulfport, MS 39501  
228-864-8117

The PDF  
complies with  
Local Rules.

## Table of Contents

<b>Document</b>	<b>Record Citation</b>	<b>Tab</b>
Docket Sheet - 1:25-CV-335	ROA.1-8	Tab 1
Notice of Appeal	ROA.958-959	Tab 2
Notice of Removal	ROA.9-14	Tab 3
Notice (Othe	ROA.136	Tab 4
Motion for Miscellaneous Relief	ROA.137-138	Tab 5

PDF includes all required sections, such as the Table of Contents

---

PDF even inserts a numbered  
Tab page between sections  
(required if you are later  
instructed to submit Paper  
excerpts).

TAB 1

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

GRACIE FAYE HARRIS FINLEY,

Plaintiff

v.

Civil Action No. 1:25-cv-00335-LG-BWR

AMERICREDIT FINANCIAL SERVICES, INC.  
d/b/a GM FINANCIAL  
and  
GULFPORT  
CAPITAL, LLC d/b/a CHAMPION CHRYSLER  
DODGE JEEP RAM OF GULFPORT

Defendants

**NOTICE OF APPEAL**

Plaintiff, Gracie Faye Harris Finley, proceeding pro se, hereby gives notice that she appeals to the United States Court of Appeals for the Fifth Circuit from the Order dated December 30, 2025, which granted Defendants' motions to compel arbitration and stayed proceedings.

This appeal is taken pursuant to 28 U.S.C. § 1291 and 9 U.S.C. § 16(a)(1)(B), which authorize immediate appeal of orders compelling arbitration.

Respectfully submitted,

  
Gracie Faye Harris Finley  
39 Fleetwood Drive  
Gulfport, MS 39503  
(228) 383-1944  
Email: [finley.gracie@yahoo.com](mailto:finley.gracie@yahoo.com)

Date: January 5, 2026

  
26-60010.10

Excerpts  
include the  
Proper EROA  
Pagination

**Certificate of Service**

I certify that on January 29, 2026, the foregoing document was served, via the Court's CM/ECF Document Filing System, upon all counsel of record.

S/Kristi Rogers Brown  
Kristi Rogers Brown

Program  
includes a  
Certificate of  
Service with the  
date you  
provide.

# Quality Control (QC) Scan To Avoid Rejected filings

---

A QC program scans briefs at filing to ensure compliance with FRAP and Local Rules. Toolbox permits you to use the same program to scan a draft brief **before** filing.

Each scan generates a pop-up message showing “Critical” and “Minor” errors. We do not reject a pleading for Minor errors.

**Attorneys can file the brief without correcting errors, but:**

**When the scan finds critical errors, we probably will later reject it and require the attorney to file a corrected copy.**

A deputy clerk reviews the QC results and decides whether the brief should be rejected. There is no automatic rejection.

# QC draft pleading Check with the Attorney Toolbox

The screenshot shows the 'Attorney Toolbox' interface for the United States Court of Appeals for the Fifth Circuit. The left sidebar contains navigation options: Home, Brief Templates, Create Record Excerpts, Electronic Records, Create & View Hyperlinks, and Check PDF Document (highlighted with a red arrow). The main content area is titled 'Upload PDF to Check for Compliance With Rules' and includes the following elements:

- Select the document type to test for compliance with rules.** Buttons for Amicus Brief, Anders Brief, Appellants Brief, Appellees Brief (selected), and Reply Brief.
- Enter the case number for testing or leave blank for the system to automatically retrieve it from the document.** An input field containing '26-60010' and a 'RESET' button.
- Upload the PDF you wish to process by either pressing the Browse button below or dragging it from your computer into the box captioned "Or drop files here."** A 'BROWSE...' button and a drop zone.

Red arrows point to the 'Check PDF Document' menu item, the 'Appellees Brief' button, the case number input field, and the 'BROWSE...' button.



Home



Brief Templates



Create Record Excerpts



Electronic Records



Create &amp; View Hyperlinks



Check PDF Document

**Deficiency Check Results**

A computer program scanning this brief for compliance with FRAP and local rule requirements has identified critical issues that might require rejection of the brief. Those issues are listed below, with any minor deficiency we found. Briefs will not be rejected for minor errors.

You are not required to correct the brief before filing. If you decide to docket without correction, simply click [Done] in the lower right corner of this page.

However, to avoid possible rejection and having to file a corrected document later, please consider addressing the critical deficiencies and uploading a corrected brief now.

**Three-day extension.** If you are filing on the deadline and need additional time to make corrections, we will give you an automatic three working day extension, unless your case has a special briefing requirement. To determine if this extension is available in your case, click on the 'File Extension' button displayed at the bottom of the screen and docket the extension. If the automatic extension is not available, you will be returned to docketing.

**Note:** The program may mistakenly report a deficiency when none exists, such as when it does not find a close or identical match for required contents or sections, or when graphics, text or characters confuse the engine. Please help us improve this program by letting us know if the program incorrectly identifies a deficiency in your brief by emailing us at [Margaret\\_Dufour@ca5.uscourts.gov](mailto:Margaret_Dufour@ca5.uscourts.gov).

**1. Critical deficiencies found that normally result in rejected brief:**

- The **Appeal Number** on the title page is incorrect. The correct case number is 26-60010. See FED. R. APP. P. 32(a)(2)(A). [\(Show Details\)](#)
- The brief exceeds the word count limitation and/or the page limitations. See FED. R. APP. P. 32(a)(7). You must reduce the size of the brief or electronically file a motion for leave to exceed the word count limitation and/or the page limitations.
- The program is unable to determine if the **Certificate of Compliance** complies with FED. R. APP. P. 32(g). The certificate must state the number of words or the number of lines of monospaced type that are included in the argument. If either of these are included, please disregard this notice.
- **Record References:** Every assertion in briefs regarding matters in the record must be supported by a reference to the page number of the record, using the record citation form as directed by the Clerk of Court. This pleading cites to pages that do not exist in the record or the citations do not match the required format. The proper format for citations to a single record appeal is "ROA page number. (For example, ROA.123.) For multi record appeals, the format is ROA case number.page number. (For example ROA.18-20668.123.) Note the hyphen is required when you cite the case number. Finally, "id" is not permitted when citing to the record on appeal. See FED. R. APP. P. 28(a)(8)(A) and 5<sup>th</sup> CIR. R. 28.2.2. See [Form 1](#).

The record citations must be in the correct form or the brief will be rejected.

- PDF page 2: contains an invalid citation, roa.182-184; 188. [\(Show Details\)](#)

**2. Minor deficiencies we call to your attention:**

- There may be a problem with the signature following the Certificate of Service required by FED. R. APP. P. 25(d)(1)(B). The signature is either missing or does not match the name of the attorney whose credentials were used for log-in. The filing attorney's name should be typed on the line where the attorney would normally sign, preceded by an "s/". An image of the signature is not allowed. Based upon a comparison of the log-in credentials and information in court records, the expected signature is: s/Demetrius Tarver.

No. 26-60001

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Clicking on the blue link “[Show Details](#)” displays the error in the pleading.

Here, the critical error was an incorrect case number.

The correct number was 26-60010

Gracie Faye Harris Finley,

Plaintiff - Appellant

v.

Americredit Financial Services, Incorporated, doing business as GM Financial;  
Gulfport Capital, L.L.C., doing business as Champion Chrysler Dodge Jeep Ram,

Defendants - Appellees

---

On Appeal from

United States District Court for the Southern District of Mississippi

1:25-CV-335

- The brief exceeds the word count limitation and/or the page limitations. See FED. R. APP. P. 32(a)(7)). You must reduce the size of the brief or electronically file a motion for leave to exceed the word count limitation and/or the page limitations.
- The program is unable to determine if the **Certificate of Compliance** complies with FED. R. APP. P. 32(g). The certificate must state the number of words or the number of lines of monospaced type that are included in the argument. If either of these are included, please disregard this notice.

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**The last critical error involved an incorrect ROA cite -- using a semicolon instead of a comma.**

**This error seems trivial, but it would prevent our hyperlinking program from accurately linking to the cited page.**

## STATEMENT OF THE CASE

The City of San Antonio hired Lucy Abajian-Salon as a probationary policer officer with the San Antonio Police Department in January 2020. ROA.421, 906. During her time at the San Antonio Police Academy, Abajian-Salon received two disciplinary citations: (1) one for failing to follow a supervisor's directive to report all mediation documentation, specifically a doctor's report placing her on limited duty due to an injury; and (2) another for use of deadly force during a training scenario when unnecessary. ROA.422-23, 426-28, 907-08, 911-13. In addition, an instructor at the Academy submitted a Report recommending that Abajian-Salon not be passed from the Academy due to the repeated inability to defend herself in combat. ROA.424-25, 909-10. As a result, the instructor believed she would be a danger to herself, fellow officers, and the public. [ROA.182-184; 188.](#)

# The minor deficiency identifies a possible error with the signature on the Certificate of Service

---

## 2. Minor deficiencies we call to your attention:

- There may be a problem with the signature following the Certificate of Service required by FED. R. APP. P. 25(d)(1)(B). The signature is either missing or does not match the name of the attorney whose credentials were used for log-in. The filing attorney's name should be typed on the line where the attorney would normally sign, preceded by an "s/". An image of the signature is not allowed. Based upon a comparison of the log-in credentials and information in court records, the expected signature is: s/Demetrius Tarver.

# About the QC Results...

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At docketing, if you are filing on the last day, we offer a three-day automatic extension to encourage corrections. (Note: This is not available for expedited appeals.)

We regularly contact attorneys who had trouble filing documents and ask for feedback on how to improve the QC program or process.

# Briefcase hyperlink feature

Select “Create and View Hyperlinks” from the Toolbox menu.

Select a search engine if you hyperlinks to legal authority. Westlaw, Lexis, and several free engines are supported.

“Drag and drop” a PDF copy of a brief (your draft brief or an opponent’s brief from PACER) into the Toolbox.

The program creates the hyperlinks. View the links or save the document to your computer.

The hyperlink program is the same one used by judges and court staff. You will see what they see.

# Select a Search Engine, then “Drag and Drop” a PDF Copy of a Pleading into the Toolbox

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

**Upload PDF to Check ROA Citations**

Select your desired search engine. Please note that for Westlaw and Lexis you must have an account, the system does not authenticate for you.

Westlaw Next Lexis Google Scholar Bing Yahoo **None**

Upload the PDF you wish to process by either pressing the Browse button below or dragging it from your computer into the box captioned "Or drop files here."

BROWSE... Or drop files here

PDF + Copy

File Home Share View

Navigation pane Preview pane Details pane

Extra large icons Large icons Medium icons Small icons List Details Tiles Content

Layout

Group by Add columns Sort by Size all columns to fit Current view

This PC > Downloads

Name	Date modified	Type	Size
Last month (1)			
26-60010.pdf	1/29/2025 2:24 PM	Adobe Acrobat D...	183 KB

# Brief hyperlinks display pages in the record

**box**  
 Courts for the Fifth Circuit

View Document: 25-40036\_preview.pdf

100% View Annotate Shapes Insert Fill and Sign

ARGUMENT

II. FORECLOSED - 18 U.S.C. § 922(g)(1) *facially* violates the Second Amendment because firearm possession is protected by the plain text of the Amendment, and the government cannot show a historical tradition of categorically disarming felons

A. Standard of review

Henderson challenged the constitutionality of § 922(g)(1) below.

**ROA.14.** Although Henderson pled guilty, the guilty plea was conditional, and the government agreed in the plea agreement that:

The United States also acknowledges that this is a conditional plea, pursuant to Federal Rule of Criminal Procedure 11(a)(2), and that the defendant reserves his right to appeal the Court's adverse ruling as to his Motion to Dismiss and, should such appeal be successful, the defendant shall be allowed to withdraw his guilty plea.

ROA.160. Nevertheless, a guilty plea does not bar a criminal defendant from later appealing his conviction on the ground that the statute of conviction violates the Constitution. *Class v. United States*, 583 U.S. 174 (2018). The Court reviews constitutional challenges to a statute *de novo*. *United States v. Clark*, 582 F.3d 607, 612 (5th Cir. 2009).

ROA: 25-40036.14

100% View Annotate Shapes Insert Fill and Sign

**DEFENDANT'S MOTION TO DISMISS COUNT 1 OF THE INDICTMENT AND INCORPORATED MEMORANDUM IN SUPPORT**

NOW INTO COURT comes the defendant, DEMARIO D. HENDERSON, through undersigned counsel, who respectfully moves this Court to dismiss the Indictment under Fed. R. Crim. P. 12(b)(1), 12(b)(2) and 12(b)(3)(B)(v).

**I. The Basis of the Motion.**

Count 1 of the indictment charges the defendant with being a felon in possession of a firearm on July 22, 2023. The defendant brings this motion to raise two separate grounds for dismissing the indictment in this case. His first claim is grounded in the plain text of the Second Amendment. It asserts that the statutory prohibition set forth in § 922(g)(1) violates the Second Amendment's guarantee-of "the right of the people to keep and bear Arms."

The defendant's second claim is grounded in Congress' lack of power to criminalize conduct relating to the possession of firearms which have already traveled in interstate commerce, but are no longer doing so. It asserts that § 922(g)(1)'s prohibition against felons possessing firearms is not supported by any enumerated power granted to Congress in the Constitution and

1

**26-60010.14**

# Hyperlink Caveats

An attorney can view hyperlinks while logged in to CM/ECF or save the document for later viewing.

ROA hyperlinks only work while an attorney is logged in to CM/ECF, because the links point to a copy of the EROA on our internal server.

When the document is saved, hyperlinks to legal authority work even when if the attorney is not logged into CM/ECF.

If an attorney selects a paid subscription legal research engine (either Westlaw or Lexis) then the attorney will be required to log-in to that service to access hyperlinks to legal authority.

We are willing to support legal research engines provided by state bar associations if sufficient interest is expressed.

# How can you use Hyperlinks?

1) Drag a PDF of a draft brief into the program to verify your ROA cites point to the pages you intended.

1

2) Review an opponent's brief. Drag the PDF of the opposition brief into the program to view their ROA and legal citations.

2

3) Prepare for Oral Argument: Easily review legal and EROA citations in all pleadings.

# Practice Tips: How to avoid the most common mistakes!

Use the correct relief when filing a document. (Searchable list on court ECF Page). (AI will soon help here!)

Use our exact caption.

File a Transcript Order Form (it is required to be filed in both District Court and our court -- even if you don't need transcripts).

Cite to the record following Local Rule 28.2.2 format (ROA.123). Record cites are required.

Don't wait until the last minute to ask for extension. Provide justification and indicate whether the opposing counsel objects.

When requesting more than a 30-day extension, comply with local rule 31.4.3 (show more than ordinary good cause, demonstrate diligence and substantial need and explain IN DETAIL what special circumstances exist.

Avoid asking for extension for a reply or a rehearing petition. Rule 31.4.4 greatly disfavors extensions for reply briefs and Rule 35.4 says extensions for rehearing are only for "the most compelling reasons."

## Practice Tips:

## Avoid these other common mistakes!



Don't wait till the last minute to verify active status in court bar and file an appearance form.



Don't refile a document incorrectly filed. Please call us first.



Protect sealed matters. Use the Event "ECF Motion and/or Document Filed Under Temporary Seal."



Comply with 5th Cir. R. 27.3 when filing emergency motions. (Must be filed before 2:00 p.m. and requires certification that the facts supporting emergency consideration of the motion are true and complete.)



File record excerpts as a separate event, not with a brief.

# A most important Practice tip: Don't forget to renew bar membership

FINAL NOTICE: 5TH CIRCUIT BAR MEMBERSHIP RENEWAL DUE



CA05db\_BarRenewals

Wed 1/28/2026 3:00PM

You are receiving this notice because your membership is expiring. The fee to renew is \$50.00. Please be advised that failure to renew by the end of this month will invalidate your membership and require you to reapply for admission to the bar. The fee for readmission is \$249.00. If you are an attorney with a US Government agency, you are still required to renew your membership, however, you are exempt from the \$50.00 renewal fee.

Please visit us at <http://www.ca5.uscourts.gov/attorneys/membership/renewal-2> for additional information on renewing your membership with the 5th Circuit Bar.

**Please note: you must renew through our website at the address above. Some attorneys renew membership in the Bar Association of the Fifth Federal Circuit, a private organization, and mistakenly think they have renewed their court bar membership.**

**Keep your email address up to date! If you miss the notice, you may have to reapply and pay an admission fee, not a renewal fee. (\$249.00 vs. \$50.00)**

**Attorneys often discover membership expired only while trying to file a document near a deadline! Recently, an attorney discovered this while checking in for Argument!**

# Generative Artificial Intelligence (AI)

---

Clerks Office using “Narrow” AI to avoid generative AI issues.

Goal is to Streamline Workflows, Improve Services and Increase Efficiency in the Clerk’s Office. AI does not make decisions.

Started Testing in December 2024. Now use three in-house computer systems as well as a secure Subscription LLM (Microsoft AI Services in the Federal Government Cloud)

No sensitive or sealed matters evaluated, only public documents.

# Ongoing AI Experiments

---

## Conflict Screening

Extensions: AI summarizes request and case status to speed review

AI summaries of received matters to aid processing decisions

AI summarizes pleadings in OA cases

Internal Court AI chatbot helps staff find authority/rules, etc.

AI transcripts of OA hearings

## Coming Soon!

AI scans documents uploaded by attorney and simplifies filing

AI compares brief assertions regarding the record on appeal to the actual record

AI chatbot on public website

# Current Uses of AI – Recusals and Conflict Management

---

Local Rule 28.2.1 requires submission of a Certificate of Interested Persons (COIP) with either briefs or other submissions.

Docketing Clerks formerly extracted this information manually to check for recusal matches against the CM/ECF database and a local addendum database. In some cases, this process took hours to complete.

AI now extracts, compares, and produces a table report displaying actual matches and possible “Fuzzy” matches in seconds.

Note that AI assist the comparison, but the docketing clerk still makes all decisions concerning the recusal.

# Current Uses of AI Motion Reviews

---

## Extension of Time Motion Reviews

AI provides a Short Summary Answering the following:

- Who filed the document?
- What reliefs are requested and is the motion opposed?
- Was there any indicator of urgency? Did the filer request expedited or emergency review?
- What is the status of the case in CM/ECF?
- Have previous extensions been granted?
- Who has the authority to rule on the motion under the local rule (Clerk, Single Judge or Panel)?

Results have shown that AI consistently delivers accurate response to the questions allowing our Attorney-Advisor to quickly review and act upon the motions saving time and resources.

# AI Case Summary

Example: Spectrum WT v. Wendler (No. 23-10994)

---

**Case Overview:** Spectrum WT, a student organization at West Texas A&M University, appeals the Northern District of Texas's denial of a preliminary injunction against University President Walter Wendler's cancellation of a planned on-campus drag show. The district court, presided over by Judge Matthew Joseph Kacsmaryk, ruled on March 2023 that drag performances are not inherently expressive and thus lack First Amendment protection. Spectrum WT alleges unconstitutional viewpoint discrimination, exclusion from a public forum, and prior restraint.

**Essential Facts and Legal Issues:** Spectrum WT organized a PG-13 charity drag show to raise funds for an LGBTQ+ suicide prevention charity. President Wendler canceled the event, citing concerns about its "demeaning" nature and incompatibility with the university's mission, despite acknowledging potential legal conflicts. Plaintiffs relocated the event off-campus, incurring costs and logistical burdens and filed suit alleging First Amendment violations. The district court denied their motion for a preliminary injunction, holding that drag shows lack inherent expressiveness under *Rumsfeld v. FAIR*. On appeal, the dispositive issues are: (1) whether drag performances constitute expressive conduct protected by the First Amendment; (2) whether the university's actions amount to unconstitutional viewpoint discrimination; (3) whether Legacy Hall is a designated public forum subject to heightened protections; and (4) whether the cancellation constitutes prior restraint.

**Core Arguments and Oral Argument Request:** Appellant argues that drag performances are inherently expressive, conveying messages about self-expression, gender roles, and LGBTQ+ identity, and that the district court erred in applying an overly narrow standard for expressive conduct under *Texas v. Johnson*. Appellee counters that drag shows require explanatory speech to convey meaning and thus fail the expressiveness test under *Rumsfeld v. FAIR*. On viewpoint discrimination, Appellant asserts the ban was motivated by Wendler's personal views, while Appellee claims it was based on concerns about lewdness and gender discrimination. Both parties requested oral argument.

**Disclaimer:** This summary was generated on December 31, 2025, at 03:39 PM by an Artificial Intelligence program based upon pleadings filed in the appeal. As the information has not been reviewed by a human editor, please verify any critical information.

# Internal AI Chatbot

## Federal Rules of Appellate Procedure

Navigate federal and 5th Circuit local rules with AI-powered search

Admin

Search

### Quick Navigation

FRAP Rules ▾

Go to rule

**Title I - Applicability**

Rule 1   Rule 2

**Title II - District Court Appeals**

Rule 3   Rule 3.1

Rule 4   Rule 5

Rule 5.1   Rule 6

Rule 7   Rule 8

Rule 9   Rule 10

Rule 11   Rule 12

Rule 12.1

5th Circuit Rules ▶

Internal Operating Procedures ▶

### Resources

## Rules & Procedures

### Title I: APPLICABILITY OF RULES

FRAP 2 →

#### Rule 1: SCOPE OF RULES; DEFINITION; TITLE

**(a) Scope of Rules**

(1) These rules govern procedure in the United States courts of appeals.

## AI Legal Assistant

Clear ×

AI

Welcome to the United States Court of Appeals AI Assistant! I can help you navigate the Federal Rules of Appellate Procedure and 5th Circuit local rules for appeals from U.S. District Courts.

Ask me questions like:

- "How do I file a notice of appeal from district court?"
- "What are the deadlines for filing an appeal?"
- "What is the difference between FRAP 3 and 4?"
- "Explain the 5th Circuit rules for briefs"

Note: For Tax Court appeals, please specify "Tax Court" in your question.

Note: As a Generative Artificial Intelligence Chatbot, I can make mistakes. Please verify my responses by viewing the referenced documents. If you believe an AI response is incorrect, please share your [feedback](#).

→ Submit

# Internal AI chatbot

## Federal Rules of Appellate Procedure

Admin

Navigate federal and 5th Circuit local rules with AI-powered search

Search rules or ask a question about FRAP and 5th Circuit

Search

### Quick Navigation

- FRAP Rules
- 5th Circuit Rules
  - Rule 10
  - Rule 11
  - Rule 12
  - Rule 15
  - Rule 17: Filing of the Record
  - Rule 21: Petition for Writ
  - Rule 22: Applications for Certificates ...
  - Rule 25
  - Rule 26
  - Rule 27
- Internal Operating Procedures

### Resources

- Legal Glossary
- Forms

## Rules & Procedures

← FRAP 27    IOP Rule 27 →

**§ 5TH CIRCUIT LOCAL RULE**

**5th Circuit Rule 27:**

**27.1 Clerk May Rule on Certain Motions.**  
*Under Fed. R. App. P. 27(b), the clerk has discretion to act on, in accordance with the standards set forth in the applicable rules, or to refer to the court, the procedural motions listed below. The clerk's action is subject to review by a single judge upon a motion for reconsideration made within the 14 or 45 day period set by Fed. R. App. P. 40(d)(1).*

**27.1.1 To extend the time for:**

- filing answers or replies to pending motions;
- paying filing fees;
- filing motions to proceed in forma pauperis;
- filing petitions for panel rehearing and rehearing en banc, and for reconsideration of single judge orders, for not longer than 14 days, 30 days if the applicant for extension is a prisoner proceeding pro se;

## AI Legal Assistant

Context: 1 exchanges Clear X

how does local rule 27 clerk dismissal authority interact with FRAP 42 and local rule 42?

AI

In the context of the interaction between Local Rule 27 regarding clerk dismissal authority, FRAP 42, and Local Rule 42 in the 5th Circuit, here's how they relate:

- **FRAP 42:** This rule governs the dismissal of appeals and outlines the general authority of the courts to dismiss cases. Specifically, it allows for dismissal of appeals under certain conditions, such as when a party fails to comply with procedural rules or when an appeal is frivolous.
- **Local Rule 42:** This local rule supplements FRAP 42 by providing additional procedural details specific to the 5th Circuit, particularly in addressing the dismissal of appeals in criminal cases. It allows the court to impose requirements to confirm a defendant's consent to dismiss an appeal, especially in criminal cases (as noted in FRAP 42(d)).
- **Local Rule 27 (Clerk Dismissal Authority):** This rule delegates authority to the clerk of the court to dismiss cases under certain conditions, which aligns with the broader authority provided under FRAP 42. The clerk can act based on established local rules and practices, which may include dismissing appeals for failure to comply with the court's requirements.

Thus, the interaction can be summarized as follows: Local Rule 27 allows the clerk to dismiss certain appeals consistent with the authority granted by FRAP 42. The provisions of Local Rule 42 further specify the procedural requirements for dismissals in the context of criminal cases, providing clarity on consent and procedural compliance.

Note: As a Generative Artificial Intelligence Chatbot, I can make mistakes. Please verify my responses by viewing the referenced documents. If you believe an AI response is incorrect, please share your feedback.

Ask about FRAP or 5th Circuit rules

Submit

# Planned Uses of AI

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## Mail and Pleading Analysis.

- Scan (OCR) all incoming mail to create digital texts and submit for processing.
- AI reviews incoming pro se mail filings to summarize pleadings, identify parties and key dates, highlight information for review and requested reliefs to aid docketing clerk initial review and case opening.

## Staff Attorney Support.

- Working with the Staff Attorney on AI identifying and summarizing key portions of the record to facilitate review of appeals.

## Order/Opinion Review.

- Use AI to review Orders and Opinions for form and style compliance.
- AI may also quickly identify order/opinion classification (published/unpublished), reliefs directed and required clerk docketing actions.
- AI could create draft judgment for clerk review.

## Potential Uses of AI

### Post Transcripts of Oral Argument

Proceedings. Currently, we provide audio recordings on our website and YouTube Channel, but do not transcribe the proceedings. AI transcripts (with proper disclaimer) might be made available to public. (We currently provide these to chambers upon request.)

### Website Virtual Assistant/Chatbox. AI

driven virtual assistant on our website could assist the public and filers in navigating court rule and procedures, understanding case statuses, and answering questions without needing to interact with clerk staff.

# Things You Need to Know: How Long Does an Appeal Take?

From Notice of Appeal to Filing of Last Brief is 5.0 Months

From Submission to screening panel or from OA Hearing to Final Disposition is 1.4 Months

From Notice of Appeal to Final disposition is 8.3 months

The median time from Notice of Appeal to final disposition in oral argument cases is 12.6 Months.

# How the Court Creates Panels and Assigns Cases

---

The court uses a computer program to create administrative, screening, and OA panels each year.

The program randomly assign judges to panels and tries to avoid duplicating panel compositions for the same or the past few years.

When active judges are unavailable to serve on panels, the Chief Judge can approve other judges sitting by designation. (Normally 2-3 visiting judges each year).

Every case assignment to the court's panels (Administrative, Screening, or Oral Argument) is random.

A computer program randomly assigns cases to OA panels, subject to two exceptions. First, the program ensures that each panel serving in a given month receives approximately the same number of criminal and civil appeals; and second, that no case is assigned to a recused judge.

Screening and administrative panel assignments follow a rotation pattern established before the court year begins. Strictly following this rotation for assignment ensures both equitable work distribution and random assignment.

# How Much Does the Composition of a Panel Matter?

---



What is the impact of randomly assigning matters to randomly created panels?



Panels decide an overwhelming percentage of appeals unanimously, based upon precedent and the factual record.



Conclusion: facts and precedent matter more than composition of a panel in the overwhelming majority of appeals.

# Panel Concurrences and Dissents

## 5<sup>th</sup> CIRCUIT OPINION CONCURRENCE AND DISSENT RATES THREE JUDGE PANELS

For the 12 Month Period Ending December 31, 2025

Number of Panel Opinions	2529		% of Panel Opinions
Number of Panel Opinions without Dissent	2420		<b>95.7%</b>
Panel Opinions with a Concurring Opinion		37	<b>1.5%</b>
Number of Panel Opinions with Separate Dissents or Concurring and Dissenting In Part	109		<b>4.5%</b>
Panel Opinions with a Dissenting Opinion		81	<b>3.3%</b>
Panel Opinions with Concurring and Dissenting in part Opinions		28	<b>1.1%</b>

# Other Things You Need to Know:

## What is an Appellant's Chance of Reversal?

---

For the 12-month period ending December 31, 2025, the court reversed 6.7% of appeals, down from 7.7% during the prior 12-month period. This was the fourth lowest reversal rate for all appellate courts.

- 2.9% of criminal appeals
- 15.0% of non-prisoner "U.S. Civil Cases"
- 14.6% of other civil cases



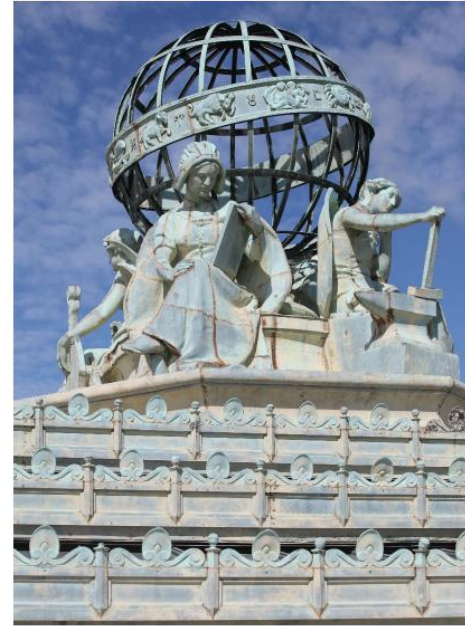
Detailed statistical information can be found in the Clerk's Annual Statistical Report on the Court's internet site, under the "About the Court" tab, in the "Court Statistics" section. The 2025 report was posted September 15, 2025.

JUDICIAL  
WORKLOAD  
STATISTICS

---

▶ **Clerk's Annual Report, July 2024 to  
June 2025**

▶ [https://www.ca5.uscourts.gov/docs/default-source/default-document-library/clerk's-annual-report-july-2024-to-june-2025.pdf?sfvrsn=44b3ce2d\\_1](https://www.ca5.uscourts.gov/docs/default-source/default-document-library/clerk's-annual-report-july-2024-to-june-2025.pdf?sfvrsn=44b3ce2d_1)



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2024 - JUNE 2025

# Some Interesting Facts About the Court's Workload

---

We are the second busiest appellate court in two categories. For total new appeals filed, we were second only to the 9<sup>th</sup> Cir. For filings adjusted for complexity, our active judges each handled 660 filings – second only to the 11<sup>th</sup> Cir where judges handled 678 adjusted filings.

We issued 2,548 written opinions last year. Each active judge wrote approximately 108 opinions.

The court's workload included emergency matters and expedited appeals. We handled 154 such appeals in 2025, compared to 122 for the same period the previous year.

Amicus filings significantly added to the workload. We received 388 amicus briefs in 2024, and 282 in 2025.

# January 1, 2025 – December 31, 2025

	Cases Commenced	Procedural Terminations	Total Merits Terminations	Merits Terminations After Oral Hearing	Merits Terminations on Briefs	% Placed on the Oral Argument Calendar	% Reversed
Criminal	2,018	446	1,689	228	1,280	13.5	2.9
U.S. Prisoner Petitions	282	118	151	13	117	8.6	2.3
Other U.S. Civil	306	174	116	62	38	53.4	15.0
Private Prisoner Petitions	640	301	313	59	198	18.8	7.4
Other Private Civil	1,506	619	770	419	223	54.4	14.6
Bankruptcy	59	19	35	27	5	77.1	25.0
Administrative Agency	420	178	226	54	132	23.9	4.3
Original Proceedings*	472	153	286	0	278	0.0	0.0
Miscellaneous	32	1	35	0	35	0.0	0.0
<b>TOTAL</b>	<b>5,735</b>	<b>2,009</b>	<b>3,621</b>	<b>862</b>	<b>2,306</b>	<b>23.8</b>	<b>6.7</b>
<b>Louisiana</b>	<b>719</b>	<b>246</b>	<b>480</b>	<b>176</b>	<b>180</b>	<b>36.7%</b>	<b>7.3%</b>
<b>Mississippi</b>	<b>305</b>	<b>88</b>	<b>209</b>	<b>83</b>	<b>83</b>	<b>39.7%</b>	<b>11.5%</b>
<b>Texas</b>	<b>3,819</b>	<b>1,347</b>	<b>2,425</b>	<b>561</b>	<b>1,159</b>	<b>23.1%</b>	<b>5.0%</b>
	Total Number of Published Opinions	Total Number of Unpublished Opinions	Number of Petitions for Panel Rehearing	Number of Panel Rehearings Granted	Number of Petitions for Rehearing En Banc	Number of Petitions for Rehearing En Banc Granted	
Fifth Circuit	431	2,116	195	14	228	10	
<b>Louisiana</b>	<b>74</b>	<b>301</b>	<b>41</b>	<b>4</b>	<b>48</b>	<b>2</b>	
<b>Mississippi</b>	<b>45</b>	<b>125</b>	<b>14</b>	<b>0</b>	<b>15</b>	<b>0</b>	
<b>Texas</b>	<b>270</b>	<b>1,549</b>	<b>140</b>	<b>10</b>	<b>165</b>	<b>8</b>	

\*Including successive habeas corpus and pro se mandamus petitions. Total may not match entries as this excludes agency appeals.

# Mandate Holds and En Banc Polls

---

For the 12 months ending December 31, 2025, Judges held the mandate in 57 cases.

In 11 of these cases, holds were later withdrawn without a request for a poll.

A poll was requested in 15 of these cases.

In 5 of the 15 cases polled, the court denied en banc but granted in 10 cases.

Court orders denying en banc rehearing after a poll lists the votes of individual judges and are published.

The court held OA in 5 en banc proceedings during this 12-month period.

# *Summary Calendar vs OA Calendar*

---

1513 opinions issued on the summary calendar (on briefs).

786 cases were placed on the oral argument calendar.

323 cases were actually argued.

## Opinion Trivia

**How often do panels withdraw and reissue opinions? And when they did so, had a judge held the mandate?**

---

During calendar year 2024, panels withdrew and reissued 26 modified opinions.

In 13 of those instances, a judge on the court had held the mandate.

During calendar year 2025, panels withdrew and reissued 27 opinions.

In 14 of those instances, a judge on the court had held the mandate.

# Opinion Trivia: How often does the court certify questions to a state court?

---

When the court faces unresolved issues of state law, it can make an “Erie guess” or certify the question to the state supreme court, giving states the opportunity to interpret the state law.

During the past four years, the Fifth Circuit certified 28 questions to state supreme courts – consistent with our historical averages.

We certified more questions to Texas (18), than Louisiana (7), or Mississippi (3).

# Do Parties Correctly Identify Cases Worthy of Certification?

---

In 36 appeals, one or both parties asked the court to certify a question to a state supreme court. The court certified in only 4 of those appeals. (11% success rate.)

The court sua sponte certified questions in 24 other appeals, where neither party requested certification. (0% success rate?)

What prevented parties from correctly identifying when issues warranted certification?



# Some Additional Observations Regarding Certified Questions

---

A state supreme court decides, in its discretion, whether to accept certified questions.

Texas and Mississippi accepted all certifications, but Louisiana accepted only 5 of the 7 questions certified to that court.

In 2 appeals where the court sua sponte certified, the parties settled the case before the state court responded. (Perhaps the parties didn't want to see what the state court would do.)

# Fifth Circuit Mediation Program

Office of Chief Counsel and Mediation. Cases considered: most counseled civil cases. Exceptions – Social Security, immigration, cases involving constitutional challenges to statutes or regulations.

Timing: we contact attorneys soon after the notice of appeal is filed and offer settlement assistance before briefing. Occasionally, attorneys want to await briefing before discussing settlement, but in those cases, mediators seek to resolve the appeal before assignment to a panel.

Methods: an initial telephone conference with attorneys. This can be followed either with further telephone diplomacy, or live mediation (either in-person or by Zoom).

Occasionally, a panel will refer a matter to us before or after argument. These typically are close cases where the panel thinks both sides have clear risk. However, sometimes the panel just thinks it would be beneficial for both sides to settle.

Settlement rate: historically, 30 to 35 percent of cases where we mediate.

# How to get Appellate Experience? Ask to serve in our Pro Bono Program

---

Office of the General Counsel and Mediation maintains a list of attorneys willing to accept pro bono appointments. We encourage members of the bar to offer services.

Panels normally request counsel at either screening or oral argument, although a pro se may make an earlier request.

A pro bono coordinator contacts counsel on the list and determines who is available and submits recommendations for appointment. We average 2 to 5 such requests per year.

# Closing Thoughts

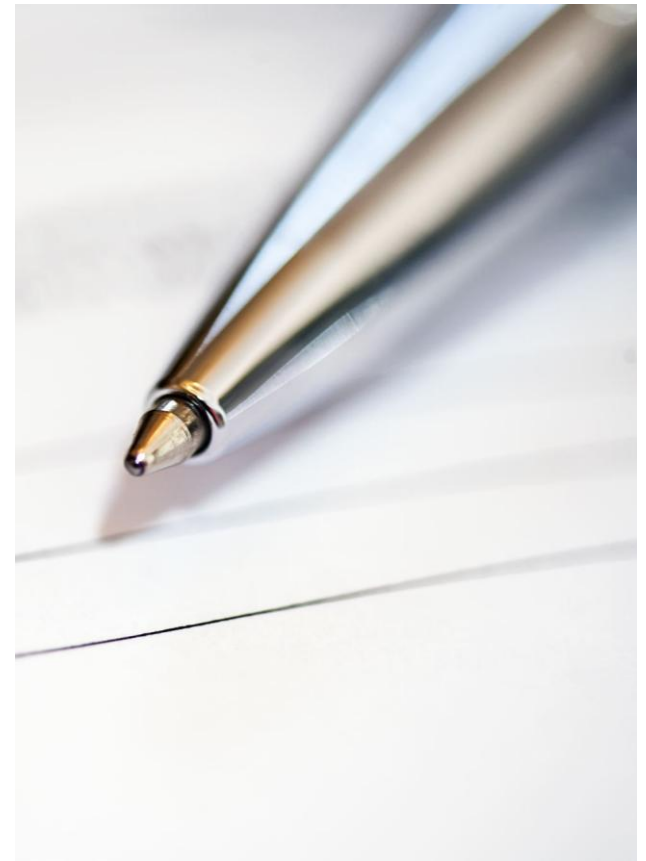
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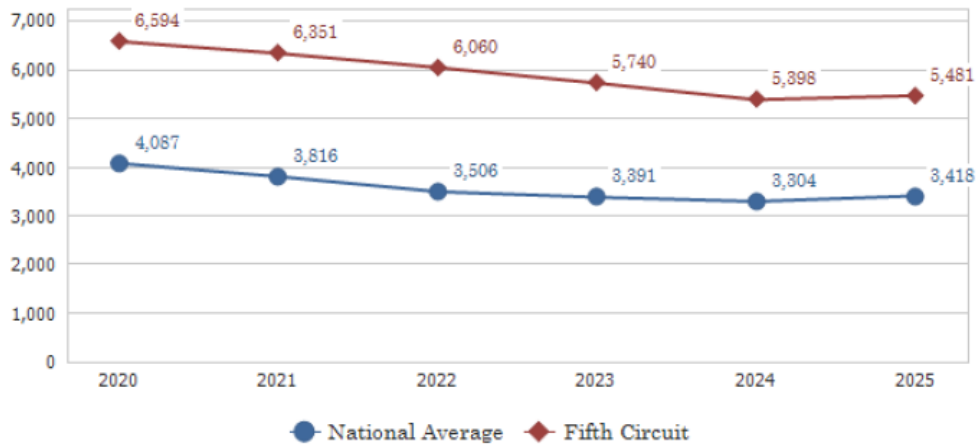
Clerk staff take pride in our reputation as an attorney friendly court.

We strive to develop innovative processes and tools to help attorneys comply with procedural and technical pleading requirements, so attorneys can focus on the substantive legal issues in appeals.

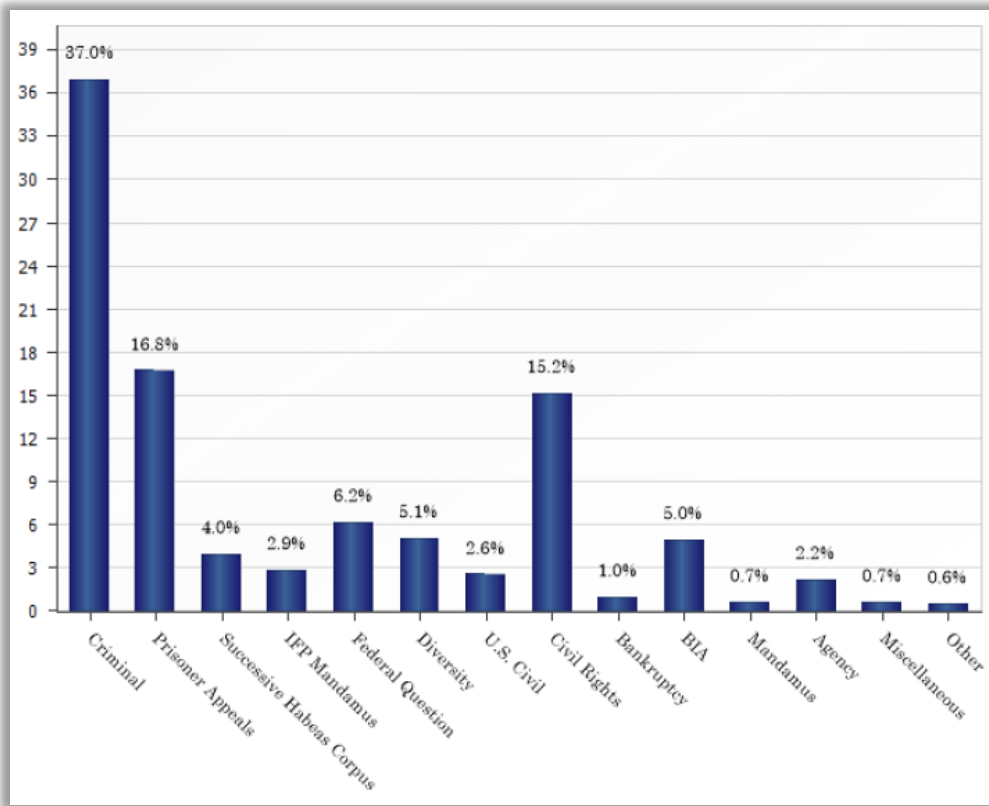
Our goal is to make litigating in our court easier and less stressful, and to provide Platinum Service.

Help us achieve that goal by giving feedback on all aspects of our operations.





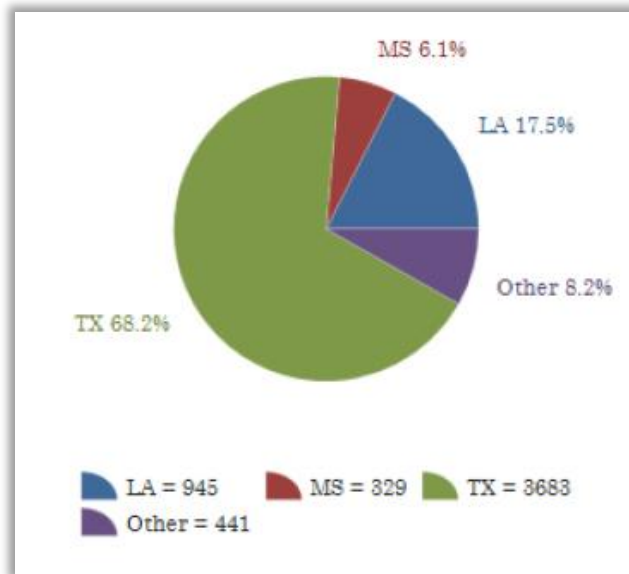
## New Appeals Filed



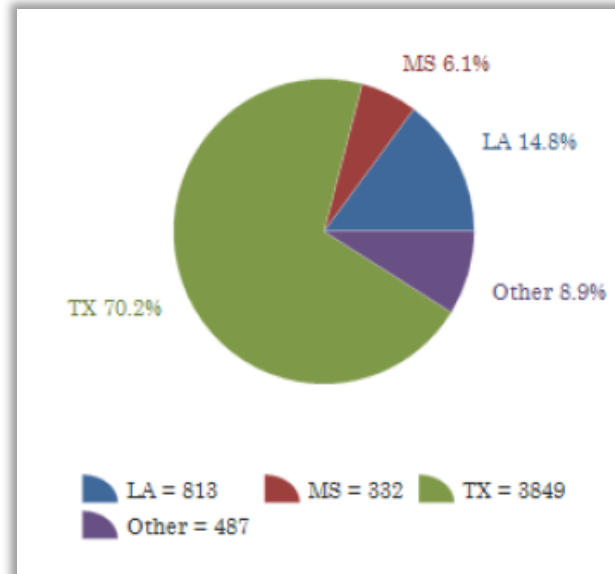
## New Appeals by Case Type

# Appeals by State

## 2024 NEW APPEALS

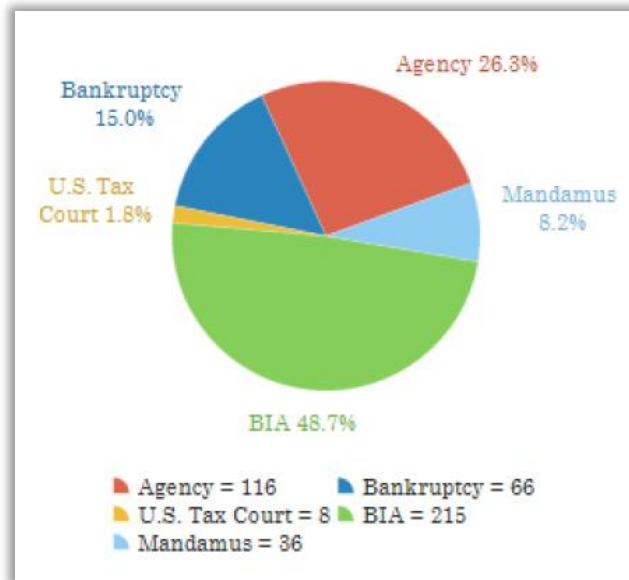


## 2025 NEW APPEALS

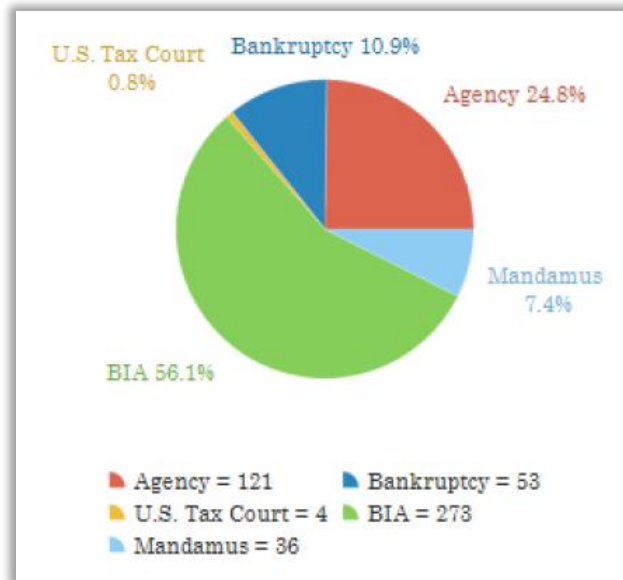


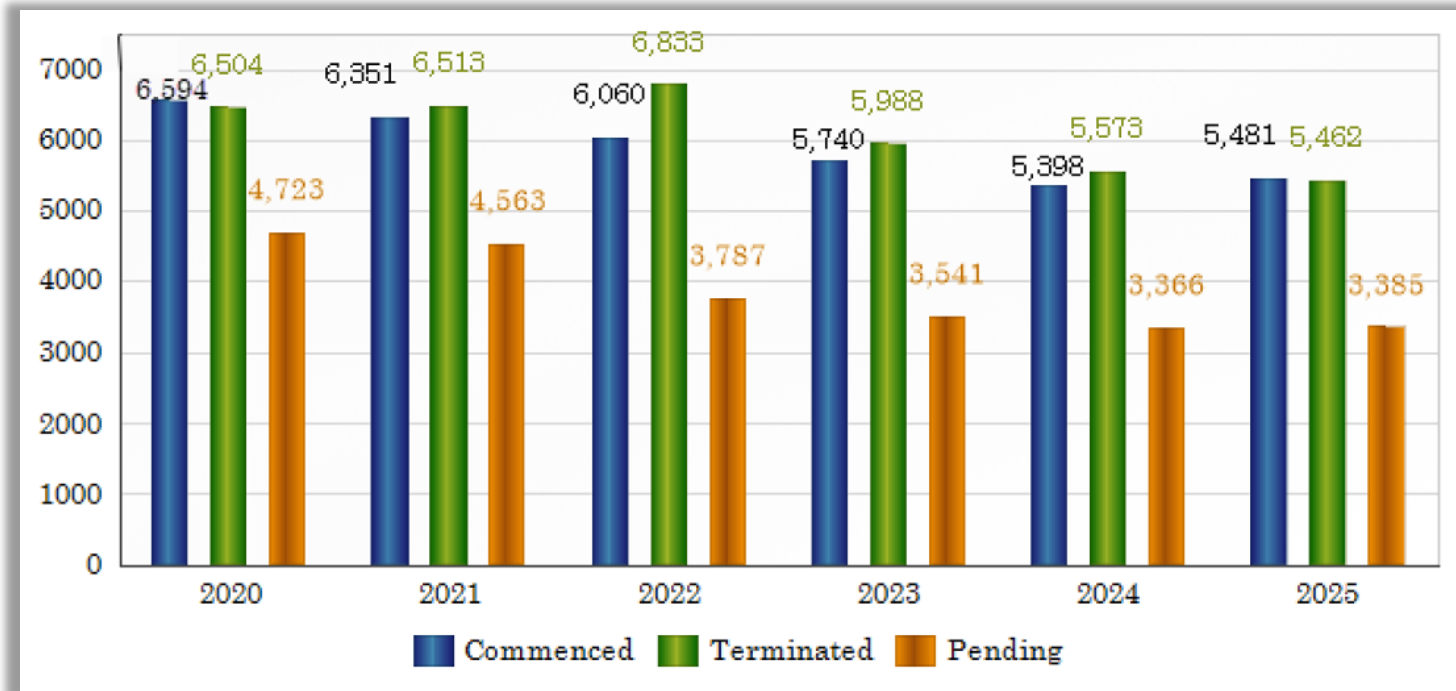
# other appeals by source

## 2024 OTHER APPEALS

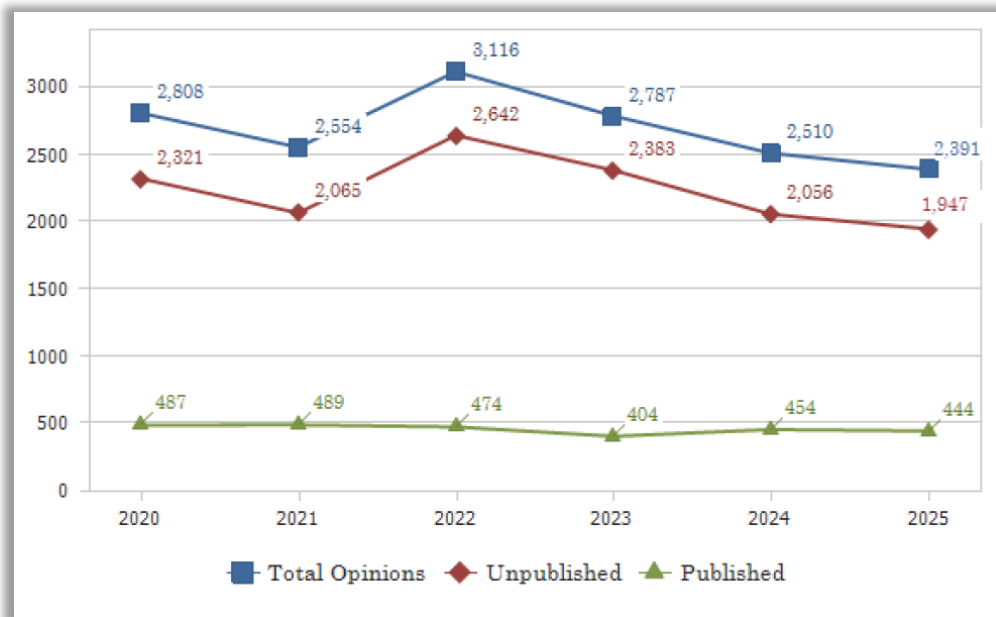


## 2025 OTHER APPEALS





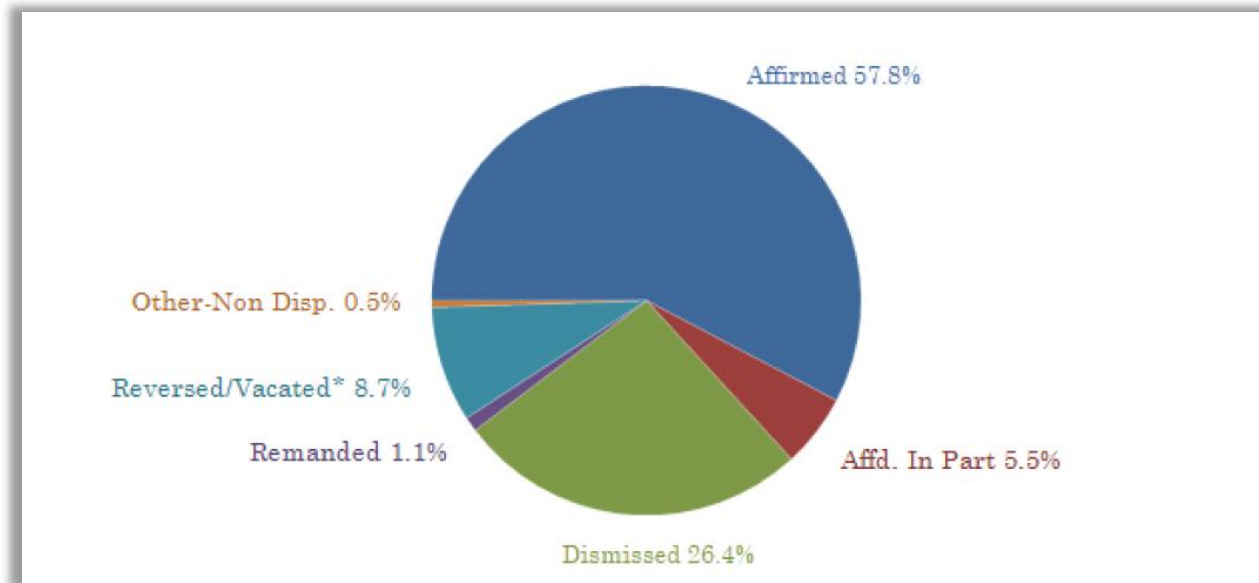
# Summary of Appeals Commenced, Terminated and Pending



## Number of Published and Unpublished Opinions

# Reversal Rate

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# Reversal rate by case type

Case Type	Decision Type	2022		2023		2024		2025	
		No.	%	No.	%	No.	%	No.	%
<b>Criminal</b>	Affirmed/Affd. In Part	841	54.20%	754	54.56%	713	53.60%	752	56.93%
	Dismissed	630	40.59%	568	41.10%	580	43.61%	513	38.83%
	Reversed/Vacated/Remanded	80	5.15%	57	4.12%	36	2.71%	56	4.24%
	Transferred/Other-Non Disp.	1	0.06%	3	0.22%	1	0.08%	0	0.00%
	<b>Total Cases</b>	<b>1,552</b>		<b>1,382</b>		<b>1,330</b>		<b>1,321</b>	
<b>Prisoner Appeals</b>	Affirmed/Affd. In Part	215	55.27%	176	57.33%	140	64.52%	100	61.36%
	Dismissed	135	34.70%	95	30.94%	51	23.50%	43	26.38%
	Reversed/Vacated/Remanded	39	10.03%	35	11.40%	23	10.60%	18	11.04%
	Transferred/Other-Non Disp.	0	0.00%	1	0.33%	3	1.38%	2	1.22%
	<b>Total Cases</b>	<b>389</b>		<b>307</b>		<b>217</b>		<b>163</b>	
<b>Federal Question</b>	Affirmed/Affd. In Part	119	71.69%	115	73.25%	103	73.05%	96	71.11%
	Dismissed	8	4.82%	12	7.64%	7	4.96%	9	6.67%
	Reversed/Vacated/Remanded	35	21.08%	29	18.47%	31	21.99%	30	22.22%
	Transferred/Other-Non Disp.	4	2.41%	1	0.64%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>166</b>		<b>157</b>		<b>141</b>		<b>135</b>	
<b>Diversity</b>	Affirmed/Affd. In Part	152	74.88%	128	80.50%	136	74.73%	121	72.02%
	Dismissed	13	6.40%	8	5.03%	5	2.75%	11	6.55%
	Reversed/Vacated/Remanded	32	15.76%	20	12.58%	31	17.03%	31	18.45%
	Transferred/Other-Non Disp.	6	2.96%	3	1.89%	10	5.49%	5	2.98%
	<b>Total Cases</b>	<b>203</b>		<b>159</b>		<b>182</b>		<b>168</b>	
<b>U.S. Civil</b>	Affirmed/Affd. In Part	45	68.17%	40	63.49%	34	56.67%	39	55.71%
	Dismissed	5	7.58%	6	9.52%	10	16.67%	7	10.00%
	Reversed/Vacated/Remanded	13	19.70%	16	25.40%	14	23.33%	22	31.43%
	Transferred/Other-Non Disp.	3	4.55%	1	1.59%	2	3.33%	2	2.86%
	<b>Total Cases</b>	<b>66</b>		<b>63</b>		<b>60</b>		<b>70</b>	
<b>Tax Court</b>	Affirmed/Affd. In Part	5	100.00%	2	50.00%	2	100.00%	4	100.00%
	Dismissed	0	0.00%	2	50.00%	0	0.00%	0	0.00%
	Reversed/Vacated/Remanded	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>5</b>		<b>4</b>		<b>2</b>		<b>4</b>	

# Reversal rate by case type

Case Type	Decision Type	2022		2023		2024		2025	
		No.	%	No.	%	No.	%	No.	%
Civil Rights	Affirmed/Affd. In Part	180	74.07%	206	74.63%	242	74.01%	234	75.01%
	Dismissed	16	6.58%	21	7.61%	30	9.17%	27	8.65%
	Reversed/Vacated/Remanded	43	17.70%	46	16.67%	54	16.51%	46	14.74%
	Transferred/Other-Non Disp.	4	1.65%	3	1.09%	1	0.31%	5	1.60%
	<b>Total Cases</b>	<b>243</b>		<b>276</b>		<b>327</b>		<b>312</b>	
Bankruptcy	Affirmed/Affd. In Part	21	44.67%	28	82.36%	26	74.28%	26	59.09%
	Dismissed	19	40.43%	3	8.82%	1	2.86%	7	15.91%
	Reversed/Vacated/Remanded	6	12.77%	3	8.82%	8	22.86%	11	25.00%
	Transferred/Other-Non Disp.	1	2.13%	0	0.00%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>47</b>		<b>34</b>		<b>35</b>		<b>44</b>	
Social Security	Affirmed/Affd. In Part	9	90.00%	12	100.00%	9	100.00%	9	100.00%
	Dismissed	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Reversed/Vacated/Remanded	1	10.00%	0	0.00%	0	0.00%	0	0.00%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>10</b>		<b>12</b>		<b>9</b>		<b>9</b>	
BIA	Affirmed/Affd. In Part	350	88.38%	305	86.65%	129	89.59%	116	88.55%
	Dismissed	19	4.80%	34	9.66%	10	6.94%	9	6.87%
	Reversed/Vacated/Remanded	23	5.81%	13	3.69%	5	3.47%	4	3.05%
	Transferred/Other-Non Disp.	4	1.01%	0	0.00%	0	0.00%	2	1.53%
	<b>Total Cases</b>	<b>396</b>		<b>352</b>		<b>144</b>		<b>131</b>	
Agency	Affirmed/Affd. In Part	9	56.25%	11	64.71%	12	40.00%	7	29.16%
	Dismissed	1	6.25%	1	5.88%	1	3.33%	4	16.67%
	Reversed/Vacated/Remanded	3	18.75%	5	29.41%	15	50.00%	12	50.00%
	Transferred/Other-Non Disp.	3	18.75%	0	0.00%	2	6.67%	1	4.17%
	<b>Total Cases</b>	<b>16</b>		<b>17</b>		<b>30</b>		<b>24</b>	
	<b>Grand Total Cases</b>	<b>3,093</b>		<b>2,763</b>		<b>2,477</b>		<b>2,381</b>	

# Certification of state-law issues January 2022 to December 2025

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Certify Question	By Motion	Sua Sponte	Awaiting Response	Accepted and Pending	Answered	Declined	Other *
Granted	4	24		1	23	2	2
Denied	32						
*In cases 21-10012, 21-10462 & 23-50515, the certified question was accepted however the parties filed a motion with this court to withdraw the certified question and dismiss the appeal. Motions granted.							
Total by State	By Motion	Sua Sponte	Awaiting Response	Accepted and Pending	Answered	Declined	Other *
LA - 7	2	5			5	2	
MS - 3		3		1	2		
TX - 18	2	16			16		2

# Screening classifications

## January 1, 2025 - December 31, 2025

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CLASS							
	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total
	No.	%	No.	%	No.	%	No.
<b>Total</b>	<b>1,513</b>	<b>68.3</b>	<b>786</b>	<b>34.2</b>	<b>0</b>	<b>0</b>	<b>2,299</b>

As of Dec 31, argument was held in 41.1 percent of the 786 cases designated as Class III and IV.