

ELEVENTH CIRCUIT CASE NO. 01-15754

THE NO REHEARING SLIGHT OF HAND

Federal Rules Appellate Procedure 40

(2) Contents. The petition must state with particularity each point of law or fact that the petitioner believes the court has overlooked or misapprehended and must argue in support of the petition. Oral argument is not permitted.

One of tricks the Eleventh Circuit uses is to deny a petition or appeal and offer no reason. For example in Case No. 15754, a mandamus petition, in denying the mandamus petition the court simply stated:

The "petition for writ of mandamus and petition for writ of prohibition" is DENIED."

Consequently, when you file your motion for rehearing the Eleventh Circuit can simply say:

"Petitioner has offered no reason sufficient to warrant either reconsideration or clarification of this Court's Order."

You can not "state with particularity each point of law or fact that the petitioner believes the court has overlooked or misapprehended", if the court never states its reason in the first place.

GREAT TRICK, ISN'T IT?