

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Emergency conditions having made the office of the Clerk of this Court, for a period of time, inaccessible within the meaning of Fed. R. App. P. 26(a)(3), and pursuant thereto and to Fed. R. App. P. 26(b) and 28 U.S.C. § 2071(e), there being an immediate need for this order, it is hereby ORDERED by the United States Court of Appeals for the Fifth Circuit as follows:

The Clerk's Office in New Orleans will remain closed effective at the close of business on August 26, 2005 until further order of the Court.

From August 27, 2005 through September 20, 2005, true emergency matters, e.g., death penalty cases with execution dates, or deportation matters with imminent and confirmed deportation dates, were and may continue to be filed by FAX at 713-250-5050 or mailed or delivered to the Chambers of Chief Judge Carolyn Dineen King, Rm. 11020, 515 Rusk Street, Houston, Texas 77002.

On and after September 21, 2005 and until further order of the Court, the Clerk's Office will be open for filings with the Court of Appeals for the Fifth Circuit, during normal business hours, mailed or delivered to Rm. 1217, 515 Rusk Street, Houston, Texas 77002, or mailed to P.O. Box 610160, Houston, Texas 77208. The Clerk's Office has not yet been assigned a telephone number. When available, the telephone number will be posted on the Court's website.

For the purposes of serving and filing papers, Tuesday, October 11, 2005, is deemed the first regular business day following August 26, 2005. This treatment does not impair either the effectiveness of service of papers made during the period August 27 through October 10, 2005, or the effectiveness of the filing of papers accepted for filing during that period by the Clerk of the Court at the substitute site of the Court; however, as to any paper served or filed during that period, the deadline for responding, whether stated as a date certain or as a specified interval following service or filing, shall be extended to the later of October 25, 2005, or the first business day following the expiration of 15 days after the otherwise applicable deadline.

The Clerk of the Court is instructed to promptly deny as moot any motion for an extension that is obviated by the effect of this Order. Such a denial shall be accompanied by a copy of this Order.

Any motion for an extension beyond the times provided by this order should be filed promptly. Parties are encouraged to confer in order that the motion may be presented as agreed.

Mandates will be issued not sooner than otherwise provided by law or applicable rule or as soon thereafter as the above-referenced conditions reasonably permit.

SO ORDERED.

Entered at the Direction of the Court.

September 12, 2005.



Carolyn Dineen King
Chief Judge