

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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October 23, 2020

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 17-10792-U
Case Style: Conraad Hoever v. R. Marks, et al
District Court Docket No: 4:13-cv-00549-MW-GRJ

For the purpose of the upcoming en banc rehearing in the above referenced case, the court desires for counsel to focus their briefs on the following issue:

Does the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e(e), bar punitive damages for constitutional claims, including First Amendment claims, without a showing of physical injury?

APPELLANT'S EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE DECEMBER 2, 2020. APPELLEE'S EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE JANUARY 4, 2021. An en banc reply brief shall be electronically filed on or before January 25, 2021. NO EXTENSIONS WILL BE GRANTED. Parties should format their briefs according to Federal Rules of Appellate Procedure 28 and 32 and shall contain the title "En Banc Brief". Each brief must adhere to the page and type-volume limitations Rule 32(a)(7). Fifteen (15) copies of the en banc briefs should be filed (appellant's in blue covers, appellee's in red covers and any reply in gray covers). Counsel is expected to serve all parties a copy of their brief before the close of business on the day of filing. PAPER COPIES OF THE BRIEFS SHOULD BE RECEIVED BY THE NEXT BUSINESS DAY. The filing of an en banc amicus brief is governed by 11th Cir.R.35-8.

Oral argument will be conducted the week of February 22, 2021 in Atlanta, Georgia. Each party will be allotted twenty (20) minutes per side for oral argument if held in person. If held by Zoom, each party will be allotted thirty (30) minutes per side. Counsel will receive subsequent correspondence regarding the specific time of oral argument.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jenifer L. Tubbs
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