

**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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September 07, 2021

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-12147-P
Case Style: Willie Pye v. Warden, GDP
District Court Docket No: 3:13-cv-00119-TCB

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:

Was the state court’s decision that Mr. Pye’s trial counsel did not render constitutionally ineffective assistance during the penalty phase of trial “contrary to, or an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States,” or “based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding”?

APPELLANT’S EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE OCTOBER 18, 2021. APPELLEE’S EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE NOVEMBER 17, 2021. An en banc reply brief shall be electronically filed on or before December 8, 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 by the close of business on the day of filing. PAPER COPIES OF THE BRIEFS SHOULD BE RECEIVED THE NEXT BUSINESS DAY. Counsel is not required to submit the additional copies of the previous filed briefs.

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 21, 2022, in Atlanta, Georgia. Each party will be allotted twenty (20) per side for oral argument. Counsel will receive subsequent correspondence regarding the specific time of oral argument.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: David L. Thomas
Phone #: (404) 335-6171

BR-1CIV Civil appeal briefing ntc issued