

**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 17, 2024

CORRECTED MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 23-10343-U

Case Style: Clarissa Gilmore v. Georgia Department of Corrections, et al

District Court Docket No: 6:18-cv-00115-RSB-CLR

EN BANC BRIEFING NOTICE

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

1. **Should we overrule in part *Marsh v. Butler County*, 268 F.3d 1014, 1032 n.10 (11th Cir. 2001) (en banc), and *Thomas ex rel. Thomas v. Roberts*, 323 F.3d 950 (11th Cir. 2003), so that “a robust consensus of cases of persuasive authority” may clearly establish law for purposes of abrogating an officer’s qualified immunity?**
2. **If so, did “a robust consensus of cases of persuasive authority” clearly establish that Plaintiff-Appellant Clarissa Gilmore’s Fourth and Fourteenth Amendment rights were violated?**

Briefing Deadlines

The appellant's en banc brief is due **November 18, 2024**. The appellees’ en banc brief is due **December 18, 2024**, and any en banc reply brief is due on **January 2, 2025**. **NO EXTENSIONS WILL BE GRANTED.**

Form

Please see FRAP 28 and 32 and the corresponding circuit rules for information on the form of briefs. The filing of an en banc amicus brief is governed by 11th Cir.R.35-8.

Paper Copies

All parties must file 10 briefs in paper. Counsel is not required to submit the additional copies of the previous filed briefs.

Brief Compliance Check Program

The Brief Compliance Check Program automatically checks briefs for compliance with the Federal Rules of Appellate Procedure and Eleventh Circuit Rules when they are filed electronically and identifies critical deficiencies that may need to be corrected. To check a brief before filing, select "Check PDF Document" under the Utilities tab on the main CM/ECF page, then select "Check pleading for Compliance with FRAP and Local Rules," enter the case number, select the type of brief being checked, and upload the brief.

Oral argument will be held the week of February 3, 2025 in Atlanta, GA. Each side will have 20 minutes for argument.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Briefing Notice 1 - Appellant