

**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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January 31, 2019

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 17-11500-U

Case Style: Sheena Yarbrough v. Decatur Housing Authority

District Court Docket No: 5:15-cv-02325-AKK

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

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

Should this Court overrule *Basco v. Machin*, 514 F.3d 1177 (11th Cir. 2008), insofar as it holds that there is an individual right enforceable through 42 U.S.C. § 1983 to a decision based on a preponderance of the evidence when local housing authorities terminate benefits under the Housing Act of 1937, 42 U.S.C. §§ 1437–1437z-10, and its implementing regulations?

The parties must format their briefs according to Rules 28 and 32 of the Federal Rules of Appellate Procedure. The cover of each brief shall be the color required by Rule 32 and shall contain the title “En Banc Brief.” Each brief must adhere to the page and type-volume limitations of Rule 32(a)(7). **The parties must furnish 20 copies of each en banc brief and 20 copies of each brief previously submitted to the panel.** The original opening panel briefs are due by March 12, 2019. The appellant must electronically file its opening brief no more than 40 days after receiving the notice of the issue for appeal (due March 12, 2019), and the appellee must electronically file her response brief no more than 30 days after the appellant files its brief

(due April 11, 2019). If the appellant chooses to file a reply brief, it must electronically file it no more than 14 days after the appellee files her brief (due April 25, 2019).

This appeal will be orally argued the week of June 24, 2019 in Atlanta, Georgia and each party will have 20 minutes to present oral argument. Counsel will receive subsequent correspondence regarding the specific time of oral argument.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jenifer L. Tubbs
Phone #: 404-335-6166

BR-1CIV Civil appeal briefing ntc issued