

FIFTH CIRCUIT RULE 47 OTHER FIFTH CIRCUIT RULES

47.6 Affirmance Without Opinion.

47.6.1 The judgment or order may be affirmed or enforced without opinion when the court determines that an opinion would have no precedential value and that any one or more of the following circumstances exists and is dispositive of a matter submitted for decision: (1) that a judgment of the district court is based on findings of fact that are not clearly erroneous; (2) that the evidence in support of a jury verdict is not insufficient; (3) that the order of an administrative agency is supported by substantial evidence on the record as a whole; (4) in the case of a summary judgment, that no genuine issue of material fact has been properly raised by the appellant; and (5) no reversible error of law appears. In such case, the court may, in its discretion, enter either of the following orders: "AFFIRMED. See 5th Cir. R. 47.6." or "ENFORCED. See 5th Cir. R. 47.6."

47.6.2 Regardless of any rationale stated in 47.6.1, opinions must be written:

- (1) for any decision made by the court when sitting en banc;
- (2) in diversity cases, based on removal jurisdiction, when jurisdiction is in dispute; and
- (3) for any appeal regarding the use of a court's inherent powers.

This rule must be applied to any appeals pending on the date of its adoption or any proceedings arising from such cases.

47.6.3 On direct appeal, all parties have the right to request a written opinion from the appellate court, stating briefly why an explanation of a ruling will serve the cause of justice.