

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13457
Non-Argument Calendar

ANESH GUPTA,

Plaintiff-Appellant,

versus

WALT DISNEY COMPANY,
WALT DISNEY PARKS & RESORTS U.S., INC.,
UNITED STATES OF AMERICA,
MARGARET IGLESIAS,

Former Field Office Director, USCIS , Orlando Field Office;
sued in individual capacity,

TRACY A. MCCORMICK,

Immigration Service Officer, USCIS, Orlando;
sued in individual capacity, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:23-cv-01806-WWB-EJK

Before BRANCH, GRANT, and ABUDU, Circuit Judges.

PER CURIAM:

Anesh Gupta appeals the district court’s dismissal of his civil suit and the court’s imposition of a filing injunction against him. On appeal, Gupta makes several different arguments. After careful review, we find no reversible error, so we affirm.

I. FACTUAL BACKGROUND & PROCEDURAL HISTORY

While Gupta’s complaint in this case was filed in 2023, he has appeared before this Court many times before, and the allegations in this case overlap with allegations we have summarized before.¹ In short, Gupta, a citizen of India, entered the United States in 2001. *Gupta*, 709 F.3d at 1063. He was married in 2002 and secured employment at Walt Disney World in May 2003. *See id.* In

¹ The parties are familiar with the facts underlying this suit and Gupta’s prior litigation history, so we do not repeat it at length here. *See Gupta v. McGahey*, 709 F.3d 1062, 1063–64 (11th Cir. 2013) (summarizing background facts). Throughout his complaint, Gupta cited and incorporated documents filed in prior cases which are, in any event, “relevant public documents . . . that are not subject to reasonable dispute.” *Watts v. Joggers Run Prop. Owners Ass’n, Inc.*, 133 F.4th 1032, 1036 n.3 (11th Cir. 2025) (quoting *Bryant v. Avado Brands, Inc.*, 187 F.3d 1271, 1278 (11th Cir. 1999)). Accordingly, we take judicial notice of these documents in our review of the appeal.

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the years that followed, “Gupta became involved in a number of legal disputes stemming from his employment” and relating to his immigration status. *Id.* After protracted immigration proceedings, Gupta was ultimately removed to India. *See Gupta v. U.S. Att’y Gen.*, 806 F. App’x 810, 815 (11th Cir. 2020) (unpublished).

In the years since, Gupta has—as the magistrate judge here explained—“waged a vendetta of personal grievance in the courts against Walt Disney World and a bevy of government agencies and employees” *Gupta v. Walt Disney Co.*, No. 6:23-cv-1806, 2024 WL 3738825, at *5 (M.D. Fla. July 24, 2024) (“Gupta has filed *pro se* (and lost) at least 29 lawsuits in this district alone and 26 appeals in the Eleventh Circuit, as well as 7 petitions for certiorari and 9 stay applications with the Supreme Court.”), *report and recommendation adopted*, 2024 WL 4988327 (M.D. Fla. Sept. 24, 2024). In this context, Gupta, proceeding *pro se*, filed the instant two-count suit against the United States, several Disney affiliates (together “Disney”), and seven individual defendants, bringing claims under the Little Tucker Act, 28 U.S.C. § 1346(a)(2), and the Alien Tort Claims Act, 28 U.S.C. § 1350.

Gupta’s complaint asserted that he had entered into an “implied in fact” contract with the Internal Revenue Service (“IRS”) to provide information about tax-related misconduct committed by Disney but that he had not been compensated under that implied contract. He contended the breach of this contract was redressable under the Little Tucker Act. Gupta also argued that the defendants had, collectively, engaged in a conspiracy and had subjected him to

“serious mental torture” that violated the law of nations, in violation of the Alien Tort Claims Act. He alleged that, after his employment dispute with Disney, he was subject to removal proceedings, he was jailed, various documents in his immigration proceedings were fraudulent or falsified, and he was “coerced” into signing documents that undermined his immigration claims. He also contended the conditions of his confinement were “horrifying” and caused him lasting pain and suffering.

The defendants moved to dismiss Gupta’s claims and, after briefing, a magistrate judge prepared a report and recommendation (“R&R”) recommending that the district court dismiss the complaint. The R&R reasoned that the district court lacked jurisdiction under the Alien Tort Claims Act because Gupta’s complaint did not allege a violation of the law of nations. It explained that Gupta had merely “attempt[ed] to characterize his routine deportation as a violation of international law” and had failed to plausibly allege that he had been subjected to torture or another crime to which the Alien Tort Claims Act would provide relief. Next, the R&R recommended the dismissal of Gupta’s claim under the Little Tucker Act, for several reasons. It explained that, under 28 U.S.C. § 2401(a), a claim under the Little Tucker Act must be brought within six years. Gupta’s claim, on the other hand, was based on conduct that “first accrued nearly twenty years ago” when Gupta first contacted the IRS to report alleged misconduct occurring at Disney when he worked there in the early 2000s. Thus, it recommended the district court dismiss Gupta’s Little Tucker Act claim as untimely.

Finally, the magistrate judge recommended that the district court declare Gupta to be a vexatious litigant and impose filing restrictions on him. The R&R noted that Gupta had filed dozens of lawsuits and appeals in this Court, and provided a detailed list of the prior cases. It explained that, of these numerous lawsuits, “only [Gupta’s] first case, the employment dispute against Walt Disney World, had a hint of potential merit, though that potential was never realized.” It also noted that, in 2018, a district court had warned Gupta that he was “dangerously close” to being declared a vexatious litigant and threatened him with filing restrictions. It summarized the prior cases, noting Gupta had filed multiple cases against Disney and numerous cases relitigating arguments and facts relating to his lawful deportation. Moreover, Gupta continued to file documents in closed cases and had “expended the Court’s resources by abusing the CM/ECF system.” For these reasons, it recommended that the district court preclude Gupta from filing future cases in the Middle District of Florida without pre-screening by a judicial officer.

Gupta objected to the magistrate judge’s R&R, raising many arguments he had previously raised in his briefing, and some that he raises again on appeal. In a written order, the district court considered and rejected each of Gupta’s objections—as discussed below—and adopted the magistrate judge’s R&R. In its order, the district court agreed with the magistrate judge that Gupta’s filings should be restricted. It ordered that any new pleading filed by Gupta in the Orlando division of the Middle District of Florida “will

be assigned to and reviewed by” the judges in this case. It also enjoined Gupta “from filing any new lawsuits arising out of or related to the claims or factual allegations asserted in this litigation or in any previously filed lawsuit in” the Orlando division. Gupta timely appealed the district court’s final judgment.²

II. STANDARDS OF REVIEW

We review the district court’s subject matter jurisdiction *de novo*. *Patel v. Hamilton Med. Ctr., Inc.*, 967 F.3d 1190, 1193 (11th Cir. 2020). We also review the dismissal of a complaint for failure to state a claim *de novo*, “accepting the allegations in the complaint as true and construing them in the light most favorable to the plaintiff.” *Watts*, 133 F.4th at 1038–39 (quoting *Hunt v. Aimco Props., L.P.*, 814 F.3d 1213, 1221 (11th Cir. 2016)). On the other hand, we review the district court’s imposition of a filing injunction for an abuse of discretion. *Miller v. Donald*, 541 F.3d 1091, 1096 (11th Cir. 2008); see *Procup v. Strickland*, 792 F.2d 1069, 1074 (11th Cir. 1986) (*en banc*) (“Considerable discretion necessarily is reposed in the district court.”). We also review the district court’s “treatment of a magistrate judge’s report and recommendation” for abuse of discretion. *Williams v. McNeil*, 557 F.3d 1287, 1290 (11th Cir. 2009).

The abuse of discretion standard is a deferential one; it “allows for a ‘range of choice for the district court,’ as long as that choice is not a ‘clear error of judgment.’” *United States v. Beaufils*,

² We have jurisdiction over this appeal. See 28 U.S.C. §§ 1291, 1295(a)(2); *United States v. Hohri*, 482 U.S. 64, 68 (1987).

160 F.4th 1147, 1163 (11th Cir. 2025) (quoting *Rasbury v. IRS* (*In re Rasbury*), 24 F.3d 159, 168 (11th Cir. 1994)). A district court can abuse its discretion, however, by misapplying the law or by reaching a decision based on clearly erroneous findings of fact. *Id.* In addition, we construe *pro se* pleadings and briefs liberally. See *Wright v. Newsome*, 795 F.2d 964, 967 (11th Cir. 1986); *United States v. Webb*, 565 F.3d 789, 792 (11th Cir. 2009).

III. DISCUSSION

A. District Court's Review of Magistrate Judge's R&R

We begin with Gupta's argument that the district court failed to adequately review the R&R *de novo* in response to his objections. Even if he is correct that the district court made a mistake along the way, any potential error was harmless.

A district court may "designate a magistrate judge to conduct hearings . . . and to submit to [the district court] proposed findings of fact and recommendations for the disposition" of certain dispositive motions, including motions to dismiss for failure to state a claim. 28 U.S.C. § 636(b)(1)(B). A party may file written objections "to such proposed findings and recommendations." *Id.* § 636(b)(1). When that occurs, the district court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* The Federal Rules of Civil Procedure, as well as our own Court rules, reflect the proper procedure for objecting to an R&R and provide harsh penalties for failing to object when there

has been a warning about the time period and consequences for failing to do so. See FED. R. CIV. P. 72(b)(2); 11th Cir. R. 3-1.

We have explained that the “requirement” that a district court conduct “*de novo* review” of properly filed objections “is essential to the constitutionality of [28 U.S.C. §] 636.” *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507, 512 (11th Cir. 1990). However, not all objections need to be analyzed *de novo* by a district court. Specifically, a district court does not have to consider “[f]rivolous, conclusive or general objections,” and each party has “the duty to pinpoint those portions of the magistrate’s report that the district court must specially consider.” *Nettles v. Wainwright*, 677 F.2d 404, 410 & n.8 (5th Cir. Unit B. 1982) (*en banc*).³ A district court also “has discretion to decline to consider a party’s argument when that argument was not first presented to the magistrate judge.” *Williams*, 557 F.3d at 1292; see also *Stephens v. Tolbert*, 741 F.3d 1173, 1177 (11th Cir. 2009). Thus, proper objections to an R&R must be reviewed *de novo*, but a court may decline to consider non-specific, frivolous, conclusory, or untimely objections.

³ The Fifth Circuit overruled *Nettles* in 1996 and it is no longer binding in the new Fifth Circuit. See *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (*en banc*). However, because it is a Unit B decision of the former Fifth Circuit that has not been overruled in this Court, we remain bound by it. See *Dresdner Bank AG v. M/V Olympia Voyager*, 446 F.3d 1377, 1381 n. 1 (11th Cir. 2006) (explaining that “decisions of the continuing Fifth Circuit’s Administrative Unit B” are binding in the Eleventh Circuit, even if issued on or after October 1, 1981).

Here, the district court overruled Gupta's first and third objections to the R&R on the merits applying—by all indications—*de novo* review. The district court also reviewed Gupta's objections to the R&R's vexatious litigant and filing injunction recommendations *de novo*. In at least one portion of the district court's order, the court noted that Gupta and the government had raised arguments beyond the scope of the parties' briefing to the magistrate judge, and it declined to reach those issues. In each of these rulings, the district court properly applied *de novo* review and exercised its discretion to decline to consider untimely arguments. 28 U.S.C. § 636(b)(1); *Williams*, 557 F.3d at 1292. As to another objection, the district court explained Gupta had only raised "generalized" and "conclusive" objections, which were insufficient. This was not error either, as Gupta's objection on this issue fell into the category of insufficiently developed objections we already have held need not be given *de novo* review. *Nettles*, 677 F.2d at 410 & n.8.

The district court stated that it would "not address Gupta's second objection" because that objection reiterated "the same arguments and positions taken in [Gupta's] original papers submitted to the Magistrate Judge." It further explained "parties are not to be afforded a second bite at the apple when they file objections to a R&R." To the extent the district court was suggesting that Gupta's second objection was "[f]rivolous, conclusive or general," the district court properly declined to consider it. *See id.* However, to the extent its response to this objection suggests that it did not conduct

de novo review, our own *de novo* review supports rejection of his objection as well.⁴

B. Dismissal of Complaint

Gupta makes several arguments about the dismissal of his claims. Most prominently, he argues that the district court's dismissal of his complaint was premature because he had not effectuated service on all the defendants nor engaged in discovery. In addition, he contends that the district court erred in dismissing his claims under the Alien Tort Claims Act and the Little Tucker Act by weighing conflicting evidence and failing to accept the well-pleaded allegations of his complaint.

The Alien Tort Claims Act, 28 U.S.C. § 1350, provides that the district courts shall have original jurisdiction of any civil action by an alien for a tort committed in violation of the law of nations or a treaty of the United States. *Sinaltrainal v. Coca-Cola Co.*, 578 F.3d 1252, 1261 (11th Cir. 2009), *abrogated in part on other grounds by*

⁴ Gupta's reading of the district court's handling of the second objection is not unreasonable, given the specific language the district court used. However, based on the context and the district court's proper rulings on the other objections, we decline to find reversible error. This is especially so because, even if we were to say the district court's statements about this objection were inaccurate, any error was harmless because Gupta's second objection was, in fact, meritless. See *Equal Emp. Opportunity Comm'n v. STME, LLC*, 938 F.3d 1305, 1322–23 (11th Cir. 2019) (“[The appellant] was not prejudiced because there is no reasonable likelihood that the outcome of this proceeding would have been different had [the error not occurred].”).

Mohammad v. Palestinian Authority, 566 U.S. 449 (2012). Federal subject matter jurisdiction exists for such a claim when three elements are satisfied: (1) an alien (2) sues for a tort (3) committed in violation of the law of nations. *Id.* When a case fails to allege a tort in violation of the law of nations, the district court does not have jurisdiction under the Alien Tort Claims Act. *Cohen v. Hartman*, 634 F.2d 318, 319 (5th Cir. Unit B Jan. 1981) (“The case does not fall within the subject matter jurisdiction of the federal courts because it is in no way based on a violation of the ‘law of nations.’”). The statute “furnish[es] jurisdiction for a relatively modest set of actions alleging violations of the law of nations,” such as “violation of safe conducts, infringement of the rights of ambassadors, and piracy.” *Sosa v. Alvarez-Machain*, 542 U.S. 692, 720, 724 (2004). Plausible allegations of torture, genocide, and war crimes also can establish violations of the law of nations. *Sinaltrainal*, 578 F.3d at 1262.

Here, the district court correctly dismissed Gupta’s Alien Tort Claims Act claim. Because it is dispositive, we focus on whether the complaint plausibly alleges that the defendants acted in violation of the law of nations. *See id.* at 1261. Gupta’s complaint alleged that he had an employment dispute with Disney and later was put into removal proceedings. He contended that falsehoods were levied against him in those proceedings and that immigration officials forged his signature on a document. He was jailed during his immigration proceedings and was threatened with transfer to a more dangerous institution.

While Gupta's complaint asserted that this conduct amounted to torture, we need not accept the legal conclusions he pled in his complaint; we instead must accept as true his factual assertions and assess whether the facts state a plausible legal claim. *Wainberg v. Mellichamp*, 93 F.4th 1221, 1224 (11th Cir. 2024); *see also Aldana v. Del Monte Fresh Produce, N.A., Inc.*, 416 F.3d 1242, 1253 (11th Cir. 2005) (explaining that a bare allegation that a plaintiff was "tortured with physical violence" is conclusory). The actual facts alleged, as the magistrate judge explained, are best "characterize[d]" as a claim about Gupta's "routine deportation" from the United States, along with misconduct he alleges occurred in the process. Fundamentally, these allegations fall far short of the definition of torture under the law of nations and do not otherwise plausibly allege a violation of the law of nations. *See, e.g., Aldana*, 416 F.3d at 1251–52 (collecting sources on the definition of torture). Thus, the district court properly dismissed Gupta's Alien Tort Claims Act claim without prejudice for lack of jurisdiction. *Cohen*, 634 F.2d at 319 (holding that, when an Alien Tort Claims Act claim fails to allege a violation of the law of nations, "[t]he case does not fall within the subject matter jurisdiction of the federal courts"); *Dupree v. Owens*, 92 F.4th 999, 1007 (11th Cir. 2024) ("Dismissals for a lack of jurisdiction are not judgments on the merits and are to be entered without prejudice.").

Gupta's Little Tucker Act claim was also properly dismissed as barred by the statute of limitations. A district court may dismiss a claim at the motion to dismiss stage based on a statute of limitations "if it is apparent from the face of the complaint that the claim

is time-barred.” *Garcia v. Chiquita Brands Int’l*, 48 F.4th 1202, 1220 (11th Cir. 2022) (quoting *Grasta v. First Union Sec., Inc.*, 358 F.3d 840, 845 (11th Cir. 2004)). That is the case here. In his complaint, Gupta alleged that he had given information to the IRS about alleged tax evasion by Disney. Based on these allegations, and the documents referenced in Gupta’s complaint, it is clear that Gupta is referring to his interactions with the IRS in or about 2009, at the latest. The statute of limitations for Gupta’s Little Tucker Act claim is six years. 28 U.S.C. § 2401(a). The face of the complaint makes clear that Gupta’s Little Tucker Act claim, therefore, was untimely. *Garcia*, 48 F.4th at 1220.⁵

On appeal, Gupta primarily argues that the district court should have allowed him to engage in discovery before dismissing his complaint. This argument does not change our conclusions. Indeed, we have held the opposite of what Gupta contends we should hold here. See *Chudasama v. Mazda Motor Corp.*, 123 F.3d

⁵ We previously held that “§ 2401(a) is a jurisdictional condition” *Ctr. for Biological Diversity v. Hamilton*, 453 F.3d 1331, 1334 (11th Cir. 2006) (citation omitted). If *Hamilton* remained binding, we would be compelled to vacate the dismissal of Gupta’s Little Tucker Act claim for the district court to dismiss it without prejudice. *Owens*, 92 F.4th at 1007. However, *Hamilton* has been abrogated on this issue by *United States v. Kwai Fun Wong*, 575 U.S. 402, 405 (2015), an intervening case from the Supreme Court. See *United States v. Lopez*, 562 F.3d 1309, 1312 (11th Cir. 2009) (explaining that we are “bound by the rule of our prior precedent unless and until it is overruled or undermined to the point of abrogation by the Supreme Court or by this court sitting en banc”). Accordingly, the district court correctly dismissed Gupta’s Little Tucker Act claim with prejudice as untimely.

1353, 1367 (11th Cir. 1997) (“Facial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on a failure to state a claim for relief, should, however, be resolved before discovery begins.” (footnote omitted)). For these reasons, we find no error in the dismissal of Gupta’s claims. Thus, Gupta’s substantial rights were not violated because his suit was due to be dismissed for the reasons the magistrate judge and the district court explained. *Nambiar*, 158 F.4th at 357; *STME*, 938 F.3d at 1322–23.

C. Designation as Vexatious Litigant.

We last address Gupta’s argument that the district court abused its discretion in designating him a vexatious litigant and imposing certain filing restrictions on him. We discern no abuse of discretion.

“Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions.” *Procup*, 792 F.2d at 1069; see *Martin-Trigona v. Shaw*, 986 F.2d 1384, 1386–87 (11th Cir. 1993) (same). “In devising methods to attain the objective of curtailing the activity” of vexatious litigants, “courts must carefully observe the fine line between legitimate restraints and an impermissible restriction on” the vexatious litigant’s “constitutional right of access to the courts.” *Procup*, 792 F.2d at 1072. Accordingly, a district court cannot enter an injunction that “completely foreclose[s] . . . any access to the court.” *Id.* at 1074 (emphasis in original). Absent that, we have upheld various pre-filing

screening restrictions on vexatious and litigious parties. *Id.* at 1072–73; *Martin-Trigona*, 986 F.2d at 1387.

For the reasons laid out by the magistrate judge and district court, we find no abuse of discretion in the decisions to declare Gupta a vexatious litigant and to require judicial screening on future pleadings. As the magistrate judge explained, Gupta has an extensive litigation history that has resulted in dozens of opinions of this Court and of the Middle District of Florida. Moreover, while each of Gupta’s cases are not identical, they frequently involve re-packaged allegations against Disney and the government officials involved in his deportation, which has long been final. *See, e.g., Clark v. Ga. Pardons & Paroles Bd.*, 915 F.2d 636, 641 (11th Cir. 1990) (explaining that “a long history of bringing unmeritorious litigation” is relevant in assessing frivolity); *McWilliams v. Colorado*, 121 F.3d 573, 574 (10th Cir. 1997) (concluding that “[r]epetitious litigation of virtually identical causes of action” suggests frivolousness). In addition, the magistrate judge found that Gupta had “abus[ed] the CM/ECF system” by filing documents in long since closed cases. Moreover, Gupta had been warned against raising similar claims years before he filed this case, and the magistrate judge and district court reasonably concluded that his conduct had not been deterred by that warning. *See United States v. Morse*, 532 F.3d 1130, 1132–33 (11th Cir. 2008) (imposing sanctions on *pro se* appellant who had been warned about making frivolous arguments); *Pollard v. Comm’r*, 816 F.2d 603, 604–05 (11th Cir. 1987) (same). For all these reasons, we find the district court’s determination that Gupta is a vexatious litigant well-supported.

Gupta argues, in response, that the magistrate judge and district court erred by “merely count[ing] the number of prior cases” he had filed “without analyzing their individual merit or outcome.” While he is correct that many meritorious claims—or even many claims close to being meritorious—would suggest a lack of frivolousness, he is wrong that the magistrate judge and district court “merely counted” his prior cases. The magistrate judge explained “[o]nly [Gupta’s] first case, the employment dispute against” Disney—which was resolved in 2007—“had a hint of potential merit, though that potential was never realized.” *Gupta*, 2024 WL 3738825, at *5. So, when the R&R listed the numerous cases Gupta had brought since 2007, it was concluding these later cases lacked any “hint of potential merit.” *Id.* Thus, Gupta’s argument is misplaced; the magistrate judge and district court substantively reviewed his litigation history before imposing this filing restriction.

Finally, the restrictions adopted by the district court are appropriate on these facts and consistent with our precedents. *See Procup*, 792 F.2d at 1072–74; *Martin-Trigona*, 986 F.2d at 1387. The district court’s restrictions do not foreclose Gupta from accessing the court system; instead, they impose only a minimally restrictive screening process for weeding out frivolous, duplicative, or harassing claims. *See Cofield v. Ala. Pub. Serv. Comm’n*, 936 F.2d 512, 517–15 (11th Cir. 1991) (affirming a similar restriction).⁶ Under the cir-

⁶ In fact, the court’s restrictions primarily apply to filings in the Orlando division of the Middle District of Florida, which shows that the district court has

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cumstances, the district court did not abuse its “[c]onsiderable discretion” in imposing the restrictions it did. *Procup*, 792 F.2d at 1074; *see also Beaufils*, 160 F.4th at 1163.

IV. CONCLUSION

For the reasons we have explained, we affirm in all respects.

AFFIRMED.

narrowly tailored its restrictions to limit Gupta’s litigation in one respect, but has not prevented him from litigating altogether.

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Order of the Court

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ON PETITION FOR REHEARING AND PETITION FOR
REHEARING EN BANC

Before BRANCH, GRANT, and ABUDU, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Panel Rehearing also is DENIED. FRAP 40.