

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

KOFI OBENG — PETITIONER
(Your Name)

VS.

COPART INCORPORATED — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

☒ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____
_____, or

☐ a copy of the order of appointment is appended.

Kofi Obeng 05/05/2026.
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, KOFI OBENG, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0.00	\$0.00	\$	\$0.00
Self-employment	\$0.00	\$0.00	\$	\$0.00
Income from real property (such as rental income)	\$0.00	\$0.00	\$	\$0.00
Interest and dividends	\$0.00	\$0.00	\$	\$0.00
Gifts	\$0.00	\$0.00	\$	\$0.00
Alimony	\$0.00	\$0.00	\$	\$0.00
Child Support	\$0.00	\$0.00	\$	\$0.00
Retirement (such as social security, pensions, annuities, insurance)	\$0.00	\$0.00	\$	\$0.00
Disability (such as social security, insurance payments)	\$0.00	\$0.00	\$	\$0.00
Unemployment payments	\$0.00	\$0.00	\$800.00	\$0.00
Public-assistance (such as welfare)	\$0.00	\$0.00	\$0.00	\$0.00
Other (specify):	\$0.00	\$0.00	\$0.00	\$0.00
Total monthly income:	\$0.00	\$0.00	\$800.00	\$0.00

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
AMAZON LLC.	DFW7	NOVEMBER	\$2,400.00
	FORT WORTH	2023 - APRIL	\$
	TX 76117	2025	\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
WIDOWED	N/A		\$ N/A
			\$
N/A		N/A	\$

4. How much cash do you and your spouse have? \$100.00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
SAVINGS	\$100.00	\$ N/A
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☒ Home
Value N/A

☐ Other real estate
Value N/A

☒ Motor Vehicle #1
Year, make & model 2016 NISSAN
Value \$10,000

☐ Motor Vehicle #2
Year, make & model N/A
Value

☐ Other assets
Description N/A
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ _____	\$ _____
<u> </u>	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>916.00</u>	\$ <u>N/A</u>
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>210.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0.00</u>	\$ <u>N/A</u>
Food	\$ <u>1,200.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>400.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>25.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>300.00</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>220.00</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>100.00</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>50.00</u>	\$ <u>N/A</u>
Life	\$ <u>00.00</u>	\$ <u>N/A</u>
Health	\$ <u>00.00</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>120.00</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>320.00</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>420.00</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>4271.00</u>	\$ <u>N/A</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes

☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☒ Yes

☐ No

If yes, how much? \$10.00 (TEN DOLLARS)

If yes, state the person's name, address, and telephone number:

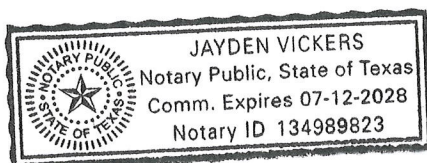
JAYDEN VICKERS, 4621 S. COOPER ST.
ARLINGTON TEXAS 76017. PHONE # 817-552-4664.

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I LOST MY JOB 13 MONTHS AGO. I AM EXPECTING
THE UNEMPLOYMENT PAYMENT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 5TH, 2026



Jayden Vickers
(Signature)

No.

In the Supreme Court of the United States

Kofi Obeng, Petitioner

V.

Copart Incorporated, Respondents

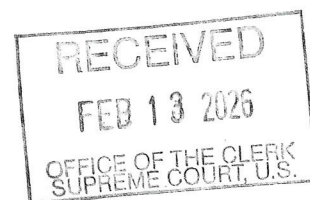
**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

PETITION FOR A WRIT OF CERTIORARI

Kofi Obeng
Obenstar LLC
P. O. Box 1291
Fort Worth, Texas 76101.

V.

Copart Incorporated
Copart Incorporated
14185 Dallas Parkway, Suite 300
Dallas, Texas 75254.



THE QUESTION PRESENTED FOR REVIEW.

LACK OF SUBJECT MATTER JURISDICTION

28 U. S. C. 1331 AND 1332.

If the Petitioner move from another State, to live in the same State as the Defendant; would his or her case be subjected to Lack of Subject Matter Jurisdiction in a Federal Court?

PARTIES TO PROCEEDING.

Kofi Obeng;

Petitioner.

Vs.

Copart Incorporated,

Copart of Texas,

Copart of Houston.

Defendant(s)

CORPORATE DISCLOSURE STATEMENT.

Copart of Texas,

Copart of Houston,

Copart Incorporated

14185 Dallas Parkway, Suite 300

Dallas Texas. 75254.

CITATION OF OPINIONS

FLORIDA v. CALIFORNIA: No. 220162 argued date: decided date: May 26, 2026.

MARGOLIN v. NAIJ: No. 25-767 argued date: decided date: May 26, 2026.

JOHN Q. HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS PETITIONER v. JOSEPH CLIFTON SMITH. NO. 24-872
argued date: decided date: May 21 2026

HAVANA DOCKS CORP. v. ROYAL CARIBBEAN CRUISE, LTD. No. 24-983
argued date: February 23, 2026 decided date May 12, 2026.

M & K EMPLOYEE SOLUTIONS LLC. v. TRUSTEE OF IAM NAT. PENSION FUND. No. 23-1209 argued date: January 20th 2026 decided date May 21st 2026.

MICHEAL DEWAYNE LAIRY v. UNITED STATES No. 25-821 argued date: decided date: May 18, 2026.

JULES V. ANDRE BALAZS PROPERTIES. No. 25-83 argued date: March 20th 2026. Decided date May 14th 2026.

MONTGOMERY v. CARIBE TRANSPORT II, LLC. No. 24-1238 argued date March 4th 2026 decided date May 14th 2026.

ALLEN v. CASTER No. 25- 243 argued date: decided date May 11th 2026.

DANCO LABORATORIES, LLC v. LOUISIANA. No. 25A1207 argued date: decided date May 14th 2026.

HENCELY v. FLUOR CORP. No. 24-924, argued date: November 3rd 2025: decided date April 22nd 2026.

DISTRICT OF COLUMBIA v. R. W. No 25-248 argued date: decided date April 20th 2028.

CHEVRON USA INC. v. PLAQUEMINES PARISH. No. 24-813 argued date January 12, 2026, decided date: decided date April 17th 2026.

TABLE OF AUTHORITIES

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Statutes.

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28 U. S. C. Sec 1331 & 1332.....	Page 2
28 U. S. C. Sec 1331 & 1332.....	Page 3
28 U. S. C. App. Fed. R. Civ. Pro. 6a.....	Page 4
Fed. R. App. P. 36.	Page 4
Fed. R. App. P. 32(g).....	Page 8

Cases.

BMW of North America V. Gore US 559 116 S. C 1589 (1996).....	Page 2
Herz Corp. V. Friends 130 s. Ct. 118 (2010).....	Page 3
Casino Inc. V. S. M & R. Co. Inc. (755 F. 2d 528, 529, 7 th Cir. 1985)..	Page 3
Advani Enters Inc. V. Underwriters at Lloyds 140 3d 157 161-62 (2d Cir. 1998).....	Page 3

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STATEMENT OF THE BASIS FOR JURISDICTION.

This Court has the jurisdiction to review this judgment by Writ of Certiorari.
Pursuant to 28 U.S.C. section 1331 & 1332.

1. Appeal from the United States District Court For the Northern District of Texas; Dallas Division. USDC No. 3:24-CV-2905.

Judgement entered January 6th 2025.

AND

2. United States Court of Appeals for the Fifth Circuit
Judgement entered on September 26th 2025.

Petition for Rehearing en banc; Entered January 13th 2026.

Petition for Rehearing. Entered January 13th 2026.

STATEMENT OF THE CASE.

The Northern District Court of Dallas did not hear my case on Subject Matter Jurisdiction. The two primary source of the Subject Matter Jurisdiction for the Federal Courts are diversity jurisdiction and Federal question jurisdiction.

Diversity jurisdiction generally permit individuals to bring a claim in Federal Court where the claims exceeds \$75,000 and the parties are citizens of different States. See 28 U.S.C. 1332. A federal Court would have subject matter to hear that claim.

The other one is: Federal question jurisdiction permit an individual regardless of the value of the claim to bring a claim in a federal Court if it arises under federal law including the U.S Constitution. See U.S.C. 1331. Federal question jurisdiction requires that; the federal question appears on the face of a well pleaded complain, is a substantial component of the complainant's claim and is of significant federal interest. Federal question subject matter jurisdiction is frequently derived from federal status granting a cause of action to parties who have suffered a particular injury. See *BMW of North America V. Gore* U.S. 559 116 S.C. 1589 (1996)

United States Magistrate judge send me his findings, conclusions, and recommendation; upon reading through, I noticed that; the chronological sequence of the case was not well understood. So I took the time to write and explained the Chronological Case Summary to the Court.

On the opening statement; I showed the Court that, in pursue of this case, I have moved from the State of Kentucky to live in Texas since the Year of 2017. I have established a new residency and address and a place of employment as well. So I stated my name and the last four digit of my Social Security number and my Texas drivers' License in an attempt to claim the inclusivity of 28 U.S.C 1331.

(Page 2)

I further explain that: I was living in the State of Kentucky where I started my business and where I claimed citizenship at that time. And Copart of Houston which firm I transacted the business with, is also a native citizen of Texas. With amount of money being over what the diversity claim requires, my case could be heard also on 28 U.S.C 1332 at the same time or either way; the case could be heard. When I moved to the State of Texas and established a new address, and residency and employment, I became a Texan with a State of Texas Drivers license and other State documents; so therefore the claim for 28 U.S.C 1331 is also correct and acceptable for that subject matter.

The traditional justification for diversity jurisdiction is to open the Federal Court's doors to those who might otherwise suffer from local prejudice against out of State parties. *Hertz Corp V. Friends* 130 S. Ct 1181 (2010) Reversing District Court findings, that, jurisdiction was lacking.

When I established a new location I acknowledged that; If a Plaintiff sues in a Federal Court, the plaintiff must include in the complain a short and plain statement of grounds for the Court's jurisdiction. Fed. R. Civ. P8(a)(1). So I wrote my new City, State to the District Court and explained that, I have come to the State of Texas to pursue this case, from the State of Kentucky.

If one of the parties is a Corporation the plaintiff must alleged both the State of incorporation and the principal place of business for each corporation. *Casino Inc. V. S.M & R. Co. Inc.* (755 F 2d 528, 529 (7th Cir 1985). The District Court could allow an amendment to support a new theory of jurisdiction if the pleadings and the judicial economy support it. *Advani Enters Inc. V. Underwriters at Lloyds* 140 F 3d 157, 161-62. (2d Cir. 1998)

The Court could also allow plaintiff to amend complain to assert admiralty jurisdiction even though plaintiff initially had asserted diversity of citizenship jurisdiction but; the District Court dismissed the case sua sponte (on its own) So I appealed to the Fifth Circuit and I send my Brief.

REASONS FOR GRANTING THE WRIT

On September 26, 2025 The United States Court of Appeals at the Fifth Circuit wrote to me that, The Court has entered judgment under Fed. R. App. P. 36 affirming the District Court opinion, but the opinion may yet contain typographical or printing errors which are subject to correction.

I was giving two weeks from the written date to write a rehearing and rehearing en banc, but the mail was very much delayed. So I wrote a motion to the Court to ask for more or, sufficient time to write the rehearing knowing, the draft and mailing time would not meet the deadline or expiration date given by the Court.

When I send the motion to ask the Court for a rehearing, the Court wrote a reply to give me 10 days to file the motion for leave to file petition for rehearing out of time within the provided time. The mail was severely delayed so much that, the day I got the letter, the 10 days given time was already expired. I filed another motion to ask for time, but on November 20, 2025 the Court wrote to me to correct a deficiency, because A petition for a panel rehearing and a petition for rehearing en banc can not be combined. The letter was also delayed. I got this mail a day before the Thanksgiving Holiday and a weekend, of which the Rule 28 U.S.C App. Fed. R. Civ. Pro. 6a is applicable. So I wrote to the Court explaining the whole mailing problems. Upon mailing the motion to ask for sufficient time I send the separation of the panel rehearing and the rehearing en banc on priority mail, even most of these mails were send via Priority mail to ensure specified date of delivery, insurance, tracking, and Pickup date. In all my efforts to get a rehearing at the Fifth Circuit I was denied on January 13, 2026. The mails from the Court never get to me on time.

Basically the rehearing was denied due to time and mailing time. For these reasons, granting the writ of certiorari to the plaintiff would be a relief.

CONCLUSION

The Court Should grant the petition for a writ of certiorari

Respectfully submitted,

/S/Kofi Obeng

Prose' Petitioner

Kofi Obeng

P.O Box 1291

Fort Worth, Texas, 76101

APPENDIX

APPENDIX A

Case No. 25-10214

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Kofi Obeng

Plaintiff- Appellant

V.

Copart Incorporated

Defendant- Appellees

On Appeal from the United States District Court
For The Northern District of Texas.

Brief of Appellant

Kofi Obeng

P. O. Box 1291

Fort Worth Texas 1291

APPENDIX B

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

SUMMARY ORDER

Come now, Kofi Obeng Plaintiff in the above case moves the Court to reconsider it's opinion and order in this cause dated January 13 2026.

Grounds of this motion is as follows: Appellant's motion for leave to file petition for rehearing en banc out of time is Denied.

Further Ordered that Appellant's motion for leave to file petition for rehearing out of time is Denied. All two motions based on Subject Matter Jurisdiction.

Wherefore plaintiff respectively moves the Court to reconsider it's opinion and order in this regard and to modify the order to reflect that subject matter.

Respectfully Submitted.

FOR THE COURT

S/ Lyle W. Cayce

.....

Lyle W. Cayce

Clerk of Court.

CERTIFICATE OF COMPLIANCE

1. This Petition complies with the type volume of this Court procedure Fed. R. App. 32...(g) And it contain (3,000) words; excluding the part of the Petition exempted by the Courts' Rule.
2. This Petition complies with the typeface fond and spaced using Microsoft word 2010 in a (14) point . Times New Roman Style fond.

By /S/ Kofi Obeng

Kofi Obeng.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of Certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from Federal Courts:

The opinion of the United States Court of Appeals appears at Appendix C to the petition and is reported at The Fifth Circuit.

The opinion of the United State District Court appears at Appendix C to the petition and is reported at The Northern District of Texas.

For cases from State Courts.

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is reported at The Supreme Court of Texas.

The opinion of the 5th District Court appears at Appendix C to the petition and is reported at Court of Appeals Fifth District of Texas.

The opinion from the County Court appears at Appendix C to the petition and is reported at the County Court at Law No. 2 of Dallas County, Texas.

APPENDIX C

OPINIONS

FEDERAL COURTS

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS; DALLAS DIVISION.

Case No. 3: 24-CV-2905-S-BN.

Judgement Entered on January 6th 2025.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Case No. 25-10214

Judgement Entered on 26th September 2025

Petition for Rehearing October 10th 2025

Petition for Rehearing en banc November 20th 2025

January 13th untimely Petition for Rehearing Denied

January 13th untimely Petition for Rehearing en banc Denied.

STATE COURTS:

IN THE SUPREME COURT OF TEXAS

Case No. 22-0810

CASE ABATED WITHOUT THE PETITIONERS' CONSENT.

Date Entered October 21st 2022

OPINIONS CONTINUED:

IN THE COURT OF APPEALS

FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS.

Case No. 05-20-01059-cv.

Date Entered August 19th 2020

FROM THE COUNTY COURT AT LAW No. 2

DALLAS COUNTY TEXAS

Case No. CC-18-02553-B

Date Entered June 19th 2018.

United States Court of Appeals
for the Fifth Circuit

No. 25-10214
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 26, 2025

Lyle W. Cayce
Clerk

KOFI OBENG,

Plaintiff—Appellant,

versus

COPART, INCORPORATED

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-2905

Before KING, HAYNES, and HO, *Circuit Judges*.

PER CURIAM:*

Kofi Obeng, proceeding pro se, appeals the district court's dismissal of his civil action for lack of subject matter jurisdiction. Although pro se filings are afforded liberal construction, even pro se litigants must brief arguments in order to preserve them. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). By failing to address or identify any error in the district court's

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 25-10214

determination that it lacked subject matter jurisdiction, Obeng has abandoned any possible challenge to the dismissal of his civil action. *See Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). In any event, the district court did not err in dismissing his case for lack of subject matter jurisdiction. *See* 28 U.S.C. §§ 1331, 1332; *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 513 (2006).

In light of the foregoing, the judgment of the district court is AFFIRMED.

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2025

Lyle W. Cayce
Clerk

No. 25-10214

KOFI OBENG,

Plaintiff—Appellant,

versus

COPART, INCORPORATED

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-2905

ORDER:

- () On 11/20/2025, the clerk provided the Appellant 10 days to correct deficiencies in the motion for leave to file a petition for rehearing out of time filed on 11/10/2025. The directed corrections were not made. Accordingly, IT IS ORDERED that the previously filed motion for leave to file a petition for rehearing out of time is stricken because it does not comply with the applicable FED. R. APP. P. or 5TH CIR. R.

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 13, 2026

Lyle W. Cayce
Clerk

No. 25-10214

KOFI OBENG,

Plaintiff—Appellant,

versus

COPART, INCORPORATED

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-2905

ORDER:

IT IS ORDERED that Appellant's motion for leave to file petition for rehearing en banc out of time is DENIED.

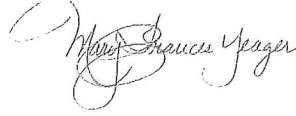
IT IS FURTHER ORDERED that Appellant's motion for leave to file petition for rehearing out of time is DENIED.



CAROLYN DINEEN KING
United States Circuit Judge

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Mary Frances Yeager".

By: _____
Mary Frances Yeager, Deputy Clerk
504-310-7686

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

September 26, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 25-10214 Kofi Obeng v. Copart
USDC No. 3:24-CV-2905

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 39, 40, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 17, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-10214 Kofi Obeng v. Copart
USDC No. 3:24-CV-2905

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Lisa E. Ferrara

By: _____
Lisa E. Ferrara, Deputy Clerk
504-310-7675

Mr. Kofi Obeng