

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

**Case No: 02-14427-FF**

**JOSE GUILLERMO GARCIA, et. al.,**

**Appellants,**

**v.**

**JUAN ROMAGOZA ARCE, et. al.,**

**Appellees.**

---

**MOTION FOR PERMISSION  
TO FILE REHEARING OUT OF TIME**

Appellants, JOSE GUILLERMO GARCIA and CARLOS EUGENIO VIDES CASANOVA, pursuant to Local Rule 40-3, move this Court for an order permitting the filing of their Petition for Rehearing out of time and in support states:

1. The undersigned miscalculated the time limits imposed by Local Rule 40-3, and therefore filed the Petition for Rehearing of the Appellants three days late.
2. It is not fair to punish the Appellants for the mistakes of the undersigned.

3. No party will be prejudiced by accepting the Petition for Rehearing as filed.

**WHEREFORE**, the Appellants, request this Court accept their previously but untimely Petition for Rehearing.

**I HEREBY CERTIFY** that a true and correct copy of the above and foregoing was mailed to James K. Green, Esq., Suite 1630, Esperante 222 Lakeview Avenue, West Palm Beach, Florida 33401, Joshua N. Sondheimer, Esq., The \ Center of Justice and Accountability, 870 Market Street, Suite 684, San Francisco, CA 94102, Carolyn P. Blum, Esq., School of Law - Boalt Hall, 685 Simon Hall The University of California, Berkeley, CA 94720-7200, Peter J. Stern, Esq. MORRISON & FOERSTER, L.L.P. 101 Ygnacio Valley Road, Suite 450, Walnut Creek, CA 94596, Honorable Anne C. Conway and Honorable Daniel T.K Hurley, United States Court of Appeals, Eleventh Circuit, 56 Forsyth Street, N.W. Atlanta, Georgia 30303, on this 30<sup>th</sup> day of January, 2006.

LAW OFFICES OF KURT R. KLAUS, JR.,  
Attorney for the Appellants  
3191 Coral Way, Suite 402-A  
Miami, Florida 33145  
Tel: (305) 461-4447

BY: \_\_\_\_\_

**KURT R. KLAUS, JR.**  
**Fla. Bar No: 299804**