

**Fifth Circuit Court of Appeal  
State of Louisiana**

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NO. 26-C-93

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ASHTON R. O'DWYER, JR.

*versus*

PROGRESSIVE PROPERTY INSURANCE COMPANY

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**ON APPLICATION FOR REHEARING**

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June 29, 2026

**DENIED WITH REASONS**

**SJW**

**JGG**

**TSM**

**TRUE COPY**



LINDA TRAN  
DEPUTY CLERK

**WINDHORST, J.**

Relator, Ashton R. O’Dwyer, Jr., filed applications for rehearing in case numbers 26-C-93 and 26-C-94, regarding this court’s April 27, 2026 dispositions denying his writ applications.

Despite relator’s assertions to the contrary, this court thoroughly considered and addressed relator’s motions to recuse the trial court and this court in the denial of relator’s writ applications.

Nevertheless, La. U.R.C.A., Rule 2-18.7 provides as follows:

**2-18.7. When Rehearing Will Be Considered**

An application for rehearing will be considered in cases where the court has:

- (A) Granted a writ application on the merits;
- (B) Dismissed an appeal; or
- (C) Ruled on the merits of an appeal.

La. U.R.C.A., Rule 4-9 provides that “Rule 2-18 shall apply to requests for rehearing related to writ applications.” Because the writ applications in case numbers 26-C-93 and 26-C-94 were denied, relator is not entitled to a rehearing.

To the extent relator raises new issues in his applications for rehearing, appellate courts will generally “not grant rehearings to consider issues raised for the first time in the application for rehearing.” See Lege v. Union Carbide Corporation, 20-252 (La. App. 4 Cir. 5/12/21), 366 So.3d 75, 77, writs denied, 21-921 (La. 10/1/21), 324 So.23d 1054 and 21-775 (La. 10/1/21), 324 So.3d 1059, citing Rodrigue v. LeGros, 563 So.2d 248, 257 (La. 1990); Mosing v. Domas, 02-12 (La. 10/15/02), 830 So.2d 967, 976. In relator’s applications for rehearing, the new issues (*e.g.*, complaints regarding this court’s dispositions in 26-C-93 and 26-C-94 and the use of those dispositions as additional grounds to recuse this court) were not

previously briefed or assigned as error in this court in our prior dispositions. Therefore, these new issues are not properly before this court.

Accordingly, for the reasons stated herein, relator's applications for rehearing filed in case numbers 26-C-93 and 26-C-94 are denied.

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT

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CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
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LINDA M. TRAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
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**NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **06/29/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in blue ink that reads "Curtis B. Pursell". The signature is written in a cursive style and is positioned above a horizontal line.

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-C-93**

**E-NOTIFIED**

Jason P. Foote (Respondent)

**MAILED**

Ashton R. O'Dwyer, Jr. (Relator)  
In Proper Person  
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Unit 143  
Houston, TX 77027