

***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**

October 08, 2020

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 18-41055 USA v. Joaquin De La Cruz  
USDC No. 7:17-CR-289-1

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Charles Whitney*

By: Charles B. Whitney, Deputy Clerk

Mr. David J. Bradley  
Ms. Marjorie A. Meyers  
Ms. Carmen Castillo Mitchell  
Ms. Kathryn Shephard  
Ms. Eileen K. Wilson

United States Court of Appeals  
for the Fifth Circuit

---

No. 18-41055

---

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOAQUIN RAMOS DE LA CRUZ,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:17-CR-289-1

---

ON PETITION FOR PANEL REHEARING

Before JOLLY, ELROD, and GRAVES, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that the appellant's petition for rehearing is GRANTED for the sole purpose of reconsidering this panel's ruling on De La Cruz's motion to file a supplemental brief to present his argument raising a claim under *Rehaif v. United States*, 139 S. Ct. 2191 (2019). That motion is hereby GRANTED. Having considered the arguments in the supplemental brief that was filed concurrently with said motion, we find the appellant's *Rehaif* claim foreclosed under this court's precedents. *See United States v.*

*Hicks*, 958 F.3d 399, 401 (5th Cir. 2020); *United States v. Lavalais*, 960 F.3d 180, 187 (5th Cir. 2020). Appellant's *Rahaif* claim therefore fails. Accordingly, the Government's motion to file a supplemental brief is once again DENIED AS MOOT. In all other respects, the petition for rehearing is DENIED, and our opinion of September 2, 2020, stands.