

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

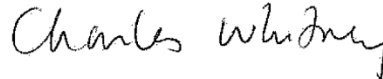
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

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



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 *Rahaiif* 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.