

United States Court of Appeals  
for the Fifth Circuit

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No. 21-10729

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

PAUL MICHAEL MALAGERIO,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
No. 5:20-CR-154-1

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ON PETITION FOR REHEARING EN BANC

Before SMITH, CLEMENT, and HAYNES, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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October 18, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 21-10729 USA v. Malagerio  
USDC No. 5:20-CR-154-1

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Lisa E. Ferrara*

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

Mrs. Amber Michelle Grand  
Ms. Mary Margaret Penrose  
Ms. Leigha Amy Simonton