

United States Court of Appeals
for the Fifth Circuit

No. 21-10729

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

PAUL MICHAEL MALAGERIO,

Defendant—Appellant.

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

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