

No. 17-8775

IN THE
SUPREME COURT OF THE UNITED STATES

JASON GREER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

SUPPLEMENTAL BRIEF

Petitioner Jason Greer submits this Supplemental Brief pursuant to Rule 15.8.

In its Brief in Opposition, the Government argued that certiorari is unwarranted because the Seventh Circuit could resolve the circuit split without this Court's intervention by granting rehearing in *Cross v. United States*, 892 F.3d 288 (7th Cir. 2018). But on August 31, 2018, the Seventh Circuit denied rehearing in *Cross*, undermining the Government's argument.

The panel was unanimous in denying panel rehearing, and no judge called for a vote on the Government's request for rehearing *en banc*. A copy of the *Cross* order is attached hereto.

The divergent positions of the circuits on the questions presented are now fixed. The only way to mend the circuit split is through a grant of certiorari.

Respectfully submitted,

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United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

August 31, 2018

Before

DIANE P. WOOD, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

ELAINE E. BUCKLO, *District Judge**

Nos. 17-2282 & 17-2724

DE'ANGELO A. CROSS,

Petitioner-Appellant,
v.

Appeal from the United States District
Court for the Eastern District of Wisconsin.

UNITED STATES OF AMERICA,

Respondent-Appellee.

No. 15-C-1338

J. P. Stadtmueller,
Judge.

CARL LEO DAVIS,

Petitioner-Appellant,
v.

Appeal from the United States District
Court for the Eastern District of Wisconsin.

No. 16-C-747

UNITED STATES OF AMERICA,

Respondent-Appellee.

William C. Griesbach,
Chief Judge.

ORDER

Respondent-appellee filed a petition for rehearing and rehearing *en banc* on July 23, 2018. No judge in regular active service has requested a vote on the petition for rehearing *en banc*, and all of the judges on the panel have voted to deny rehearing. The petition for rehearing is therefore **DENIED**.

* Of the Northern District of Illinois, sitting by designation.