

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 16-20081  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

June 20, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

JESUS LEONARDO MONTALVO DAVILA, also known as Jesus Montalvo,  
also known as Jesus L. Montalvo,

Defendant - Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
\_\_\_\_\_

Before BARKSDALE, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:

The panel *sua sponte* grants rehearing of its opinion dated May 16, 2018. This has the effect of vacating that decision, including the reappointment of the Federal Public Defender and the grant of leave to file an out-of-time petition for panel rehearing.

The motion to recall the mandate and the related motions will be held in abeyance by the panel pending, *inter alia*, action of the Supreme Court on the petition for a writ of certiorari in No. 17-1445, *United States v. Herrold*.