

No. 19-6229

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Apr 06, 2021
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellee,)
)
v.)
)
OLUFOLAJIMI ABEGUNDE,)
)
Defendant-Appellant.)

ORDER

Before: WHITE, STRANCH, MURPHY, Circuit Judges.

The court received a petition for panel rehearing or rehearing en banc from Olufolajimi Abegunde. Upon careful consideration, the original panel concludes that with two exceptions the petition simply reargues the issues already decided, which the panel did not misapprehend or overlook any point of law or material fact in issuing the order denying Abegunde's appeal. See Fed. R. App. P. 40(a)(2). As to the first exception—the venue challenge pertaining to Abegunde's marriage-fraud conspiracy count—rehearing is improper because no venue challenge pertaining to this count was raised in his brief on appeal. As to the second exception—that plain-error review should not have applied to the wire-fraud conspiracy venue challenge—rehearing is similarly improper because Abegunde did not address the government's argument that Abegunde had forfeited the challenge. *Cf. United States v. Ramer*, 883 F.3d 659, 682 (6th Cir. 2018). Accordingly, the original panel adheres to its original disposition and denies the request for a panel rehearing. We express no opinion on the merits of these issues and this denial is without prejudice to any collateral-review claims of ineffective assistance of counsel.

No. 20-5996

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The petition then was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc. Therefore, en banc rehearing is denied.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk