

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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December 06, 2023

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 22-10742-U
Case Style: USA v. Henry Steiger
District Court Docket No: 3:17-cr-00043-RV-2

For the purpose of the upcoming en banc rehearing in the above referenced case, the court desires for counsel to focus their briefs on the following issue:

This Court's decisions in *United States v. Parks*, 823 F.3d 990 (11th Cir. 2016), *United States v. Bonilla*, 463 F.3d 1176 (11th Cir. 2006), and *United States v. Williams*, 438 F.3d 1272 (11th Cir. 2006), create a per se rule of reversal any time a district court does not orally state on the record its reasons for imposing a sentence in violation of 18 U.S.C. § 3553(c), even if the defendant did not object. Should the Court overrule in part *Parks*, *Bonilla*, and *Williams*, and hold that plain error review applies to alleged 18 U.S.C. § 3553(c) errors when the defendant failed to object at sentencing? If so, did the district court commit plain error in this case?

The appellant's en banc brief is due on or before January 16, 2024. The appellee's en banc brief is due on or before February 15, 2024. The appellant's en banc reply brief, if any, is due on or before March 7, 2024. **NO EXTENSIONS WILL BE GRANTED.**

Please see FRAP 28 and 32, and the corresponding circuit rules for information on the form of the briefs. Ten (10) paper copies of the en banc briefs shall be filed. Attorneys must file briefs electronically using the ECF system. Paper copies of the briefs should be mailed the next business day. Counsel is not required to submit the additional copies of the previous filed briefs.

The filing of an en banc amicus brief is governed by 11th Cir.R.35-8.

Should oral argument be held, it will be the week of June 24, 2024.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200

CM/ECF Help Desk: 404-335-6125 Cases Set for Oral Argument: 404-335-6141

BR-1 Criminal appeal briefing ntc issued