

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

Case No.: 22-11437

DAVID RIVERA,

Appellant,

v.

FEDERAL ELECTION COMMISSION,

Appellee.

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**MOTION TO AMEND PETITION FOR REHEARING**

Pursuant to Fed. R. App. P. 27 and 11th Cir. R. 27-1, Appellant DAVID RIVERA respectfully requests leave to amend the Petition for Rehearing En Banc (with Panel Rehearing) (“Rehearing Petition”) filed on August 15, 2024. A copy of the proposed amended Rehearing Petition is attached hereto as an exhibit.

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Pursuant to Eleventh Circuit Rule 26.1-3, I certify that the following are trial judge(s), attorneys, persons, associations of persons, firms, partnerships, or corporations that have/had an interest in the outcome of this appeal:

- Cannon, Aileen M. – United States District Court Judge
- Cooke, Marcia J. (deceased) – United States District Court Judge
- Deeley, Kevin – Counsel for FEC (withdrawn)
- Federal Election Commission (“FEC”) – Plaintiff-Appellee
- Feldman, Jeffrey D. – Counsel for Rivera
- Goodman, Jonathan – United States Magistrate Judge
- Hafeez, Sarah – Counsel for Rivera (withdrawn)
- Hunker, Thomas L. – Counsel for Rivera
- Hunker Paxton Appeals & Trials – Counsel for Rivera
- Kahn, Roy J. – Counsel for Rivera (withdrawn)
- Mueller, Greg J. – Counsel for FEC
- Paxton, V. Ashley – Counsel for Rivera
- Rivera, David (“Rivera”) – Defendant-Appellant
- Siler, Jacob S. – Counsel for FEC (withdrawn)
- Stevenson, Lisa J. – Counsel for FEC

- Summers, Harry J. – Counsel for FEC
- Ward, Shaina – Counsel for FEC

Dated: September 3, 2024 August 27, 2024

Respectfully submitted,

/s/ Thomas L. Hunker

Thomas L. Hunker

*Counsel for Appellant*

## **MOTION TO AMEND PETITION FOR REHEARING**

1. This Court rendered its Opinion vacating the order granting summary judgment in favor of the Federal Election Commission on July 1, 2024.
2. On August 15, 2024, Mr. Rivera timely filed a Petition for Panel Rehearing and Petition for Rehearing En Banc (Original Petition).
3. Mr. Rivera respectfully requests leave to file the attached Amended Petition for Rehearing En Banc With Panel Rehearing (Amended Petition).
4. There is no prejudice to Appellee because the Court has not yet ruled on the Original Petition and has not ordered Appellee to respond to it.
5. Further, the Amended Petition asserts the same grounds for granting rehearing en banc and/or panel rehearing.
6. The Amended Petition merely clarifies certain statements in the Original Petition and provides a clearer analysis of the issues as well as additional citations to case law to assist the Court in evaluating the petition on its merits.
7. is offered to issues and grounds for rehearing as the Original Petition but corrects certain misstatements and
8. The proposed amended Rehearing Petition, as indicated by the Certificate of Compliance included therein, does not exceed 3,900 words pursuant to Fed. R. App. P. 35(b)(2)(A).

9. Appellee will not be prejudiced by allowance of the requested amendment because this Court has not yet entered an order calling for a response to the Rehearing Petition. *See* Fed. R. App. P. 35(e) (“No response may be filed to a petition for an en banc consideration unless the court orders a response.”). Thus, Appellee will have the opportunity to address all of the issues raised in the proposed amended Rehearing Petition when and if the Court enters an order requesting or allowing a response.

10. Accordingly, and for the reasons above, Appellant respectfully requests leave to submit the proposed amended Rehearing Petition attached as an exhibit to this Motion.

WHEREFORE, Appellant DAVID RIVERA, respectfully requests that this Court grant this motion to file an amended Petition for Rehearing and accept the attached amended Petition.

Respectfully submitted September 3, 2024.

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*/s/ Thomas L. Hunker*  
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*Counsel for Appellant, David Rivera*

## CERTIFICATE OF COMPLIANCE

This document complies with the **type-volume limit** of FRAP 27(d)(2) because it contains less than 5,200 words. This document complies with the **typeface requirements** of FRAP 32(a)(5) and the **type-style requirements** of FRAP 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft® Word for Microsoft 365 MSO (Version 2304 Build 16.0.16327.20200) 64-bit in 14-point font and Times New Roman type style. *See* FRAP 27(d)(1)(E).

/s/ Thomas L. Hunker  
Thomas L. Hunker  
Dated: August 27, 2024  
**September 3, 2024**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 3, 2024 **September 3, 2024**, a copy of this document was furnished by electronic filing with the Clerk of the Court via CM/ECF, to:

<p><b>Greg J. Mueller</b> FEDERAL ELECTION COMMISSION 1050 First Street, NE Washington, DC 20463 202-694-1650 gmueller@fec.gov <i>Counsel for Appellee FEC</i></p>	<p><b>Shaina Ward</b> FEDERAL ELECTION COMMISSION 1050 First Street NE Washington, DC 20463 202-694-1566 sward@fec.gov <i>Counsel for Appellee FEC</i></p>
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Respectfully submitted,

/s/ Thomas L. Hunker

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