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December 7, 2018

VIA CM/ECF

Lyle W. Cayce
Clerk of the Court
U.S. Court of Appeals for the Fifth Circuit
F. Edward Herbert Building
600 S. Maestri Place
New Orleans, LA 70130

Re: *Consumer Financial Protection Bureau v. All American Check Cashing*, No. 18-60302

Dear Mr. Cayce:

Pursuant to Federal Rule of Appellate Procedure 28(j), I write to inform the Court that on December 6, 2018, the Senate confirmed Kathleen Kraninger as Director of the Consumer Financial Protection Bureau (“CFPB”). *Roll Call Vote 115th Congress – 2nd Session, U.S. Senate*, <https://tinyurl.com/y9szu29r>. This refutes once and for all the CFPB’s contention (CFPB Br. 11–18) that a purported ratification by the former Acting Director somehow cured the defects in the CFPB’s structure. All American continues to be subject to the actions of an unconstitutional agency, and respectfully renews its request that the full Court adjudicate this exceptionally important issue. *See* Doc. No. 514725299 (Nov. 15, 2018) (per curiam) (ordering “that [All American’s] petition for hearing en banc [be] carried with the case”).

Sincerely,

s/ Theodore B. Olson
Theodore B. Olson

Counsel for Appellants

CERTIFICATE OF SERVICE

I certify that on December 7, 2018, an electronic copy of the foregoing was filed with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system.

s/ Lochlan F. Shelfer

Lochlan F. Shelfer

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