

**PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 01-1463

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ANTHONY FIELDER,

Appellant

v.

BENJAMIN VARNER;  
THE DISTRICT ATTORNEY OF COUNTY OF PHILADELPHIA;  
ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

(Dist. Court No. 00-cv-02599)  
District Court Judge: Honorable Louis Charles Bechtle

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Argued: January 12, 2004

Before: ALITO, CHERTOFF, and BECKER, Circuit Judges.

(Opinion Filed: August 9, 2004)

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ORDER AMENDING OPINION

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The opinion in the above case is hereby amended as follows:

1. On page 3 in the right column, the line reading, “As a consequence, the Magistrate Judge stated, Fielder’s time to file his petition began to run one year thereafter, on April 24, 1997. See Burns v. Morton, 134 F.3d 109, 110 (3d Cir. 1998),” should be changed as follows:

As a consequence, the Magistrate Judge stated that Fielder’s time to file his petition began to run on April 24, 1996. See Burns v. Morton, 134 F.3d 109, 110 (3d Cir. 1998).

/s/ Samuel A. Alito, Jr.

Circuit Judge

Dated: August 17, 2004