

PRECEDENTIAL

Filed December 30, 2003

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-2460

SAIDOU DIA,
Petitioner

v.

JOHN ASHCROFT,
Attorney General of the United States,
Respondent

On Petition for Review of an Order of Removal from
the Board of Immigration Appeals
U.S. Department of Justice
Executive Office for Immigration Review
(BIA No. A78-514-349)

Argued February 3, 2003
Before: SLOVITER, RENDELL and STAPLETON,
Circuit Judges.

Reargued En Banc May 28, 2003
Before: SCIRICA, *Chief Judge*, SLOVITER, NYGAARD,
ALITO, ROTH, McKEE, RENDELL, BARRY, AMBRO,
FUENTES, SMITH, BECKER and STAPLETON,
Circuit Judges.

ORDER AMENDING SLIP OPINION

The slip opinion filed in the above referenced case on
December 22, 2003 is hereby amended as follows:

Page 3 of the slip opinion paragraph immediately following “III. CONCLUSION . . .” shall be deleted and replaced with the following:

“Judge Rendell filed the opinion of the Court in which Chief Judge Scirica and Judges Nygaard, Barry, Fuentes, and Smith joined and Judges McKee, Ambro and Becker joined as to Part II. Judge Alito, joined by Judges Sloviter and Roth, filed an opinion concurring as to Part I and dissenting as to Part II. Judge Stapleton filed an opinion dissenting, in which Judges McKee, Ambro and Becker joined. Judge McKee filed an opinion concurring as to Part II.”

By the Court:

/s/ Marjorie O. Rendell
Circuit Judge

Dated: December 30, 2003

A True Copy:
Teste:

*Clerk of the United States Court of Appeals
for the Third Circuit*