

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-3760

SYED MAHMOOD,

Petitioner

v.

*ALBERTO R. GONZALES, Attorney General
of the United States,

Respondent

*Substituted pursuant to Rule 43c, F.R.A.P.

On Appeal from an Order entered before
The Board of Immigration Appeals
(No. A 70-891-107)

Argued September 15, 2004

Before: ALITO, AMBRO and FISHER, Circuit Judges

(Opinion filed October 27, 2005)

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ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed October 27, 2005, be amended as follows:

On page 5, line 3, replace “2002” with “June 2001”, so that the phrase reads “..., and it dismissed the appeal as untimely in June 2001.”

On page 5, line 8, insert “in September 2002” after “motion” and before “on” so that the phrase reads, “The IJ denied the motion in September 2002 on the ground that it ...”.

On page 6, line 3, insert “second” after “Mahmood’s” and before “appeal” and replace the date “June 2001” with “August 2003” so that the sentence reads, “The BIA dismissed Mahmood’s second appeal in August 2003, and he timely petitioned for our Court’s review.”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: November 1, 2005