

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No: 03-9010 and 03-9011

JOSEPH J. KINDLER

v.

MARTIN HORN, Commissioner, Pennsylvania Department of Corrections;
*DAVID DIGUGLIELMO, Superintendent of the State Correctional
Institution at Graterford; JOSEPH P. MAZURKIEWICZ, Superintendent
of the State Correctional Institution at Rockview,

Appellants

(*Amended - See Clerk's Order dated 1/6/05)

Argued October 15, 2007

BEFORE: McKEE, FUENTES, and STAPLETON Circuit Judges

ORDER AMENDING OPINION

IT IS HEREBY ORDERED, that the Slip Opinion filed in this case filed on
September 3, 2008, be amended as follows:

In the second paragraph on page 15, the sentence which reads: “Accordingly, “the fugitive forfeiture rule . . . [did] not provide an adequate basis to preclude federal review of [Kindler’s] habeas claims” should be changed to read as follows: “Accordingly, the district court held that “the fugitive forfeiture rule . . . [did] not provide an adequate basis to preclude federal review of [Kindler’s] habeas claims”

BY THE COURT,

/s/ Theodore A. McKee
Circuit Judge

DATED: September 24, 2008