

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-9002

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HUBERT L. MICHAEL,

Appellant

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

\* (Amended – See Clerk’s Order dated 1/6/05)

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Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(D.C. Civil Action No. 96-cv-01554)  
District Judge: Honorable Thomas I. Vanaskie

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Argued January 12, 2006

Before: AMBRO, GREENBERG and NYGAARD, Circuit Judges.

(Opinion filed August 18, 2006)

**ORDER AMENDING PUBLISHED OPINION**

GREENBERG, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed August 18, 2006, be amended as follows:

On page 31, line 7, replace the word “is” with “in”, so that the sentence will read: “The court started its opinion dismissing the petition by indicating that “[a]t issue in ....”

On page 32, line 14, replace the word “and” with “an”, so that the sentence will read: “As did the death-sentenced inmate in Comer [v. Stewart, 230 F. Supp 2d 1016 (D. Ariz. 2002)], Mr. Michael ‘has made a competent and free choice, which is merely an example ....”

On page 40, line 10, replace the word “give” with “given”, so that the sentence will read: “That circumstance has given rise to much litigation ....”

By the Court,  
/s/ Morton I. Greenberg  
Circuit Judge

Dated: August 21, 2006