

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-1698

UNITED STATES OF AMERICA

v.

SEAN MICHAEL GRIER,

Appellant

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 03-cr-00284)
District Judge: Honorable Sylvia H. Rambo

Argued En Banc September 13, 2006*

Before: SCIRICA, *Chief Judge*, SLOVITER, McKEE, RENDELL, BARRY, AMBRO,
FUENTES, SMITH, FISHER, CHAGARES and VAN ANTWERPEN,** *Circuit Judges*.

(Opinion filed February 5, 2007)

* This case was originally argued on October 25, 2005, before Judges Sloviter, Fisher, and Rosenn. The coram was reconstituted to include Chief Judge Scirica after the death of Judge Rosenn. On June 6, 2006, an opinion by a majority of the original panel was filed, affirming the District Court's legal conclusions, but remanding for resentencing, directing the District Court to state more fully its reasons for imposing the particular sentence. Judge Sloviter filed a dissenting opinion on the same day. Appellant petitioned for rehearing en banc. The Court granted the petition and vacated the panel's judgment and opinion.

** Following argument, Judge Van Antwerpen took senior status on October 23, 2006, but continues to take part in this matter pursuant to Internal Operating Procedure 9.6.4.

ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

It is now ordered that the published Opinion in the above case filed February 5, 2007, be amended as follows:

In Judge Ambro's opinion concurring in judgment, page 40, the second sentence in the only full paragraph on the page, replace the words "by way" with the words "through use", so that the phrase reads "through use of the Federal Sentencing Guidelines".

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: February 15, 2007