

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-4260

UNITED STATES OF AMERICA

v.

NOLAN HUGH,

Appellant

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(D.C. Crim. Action No. 03-cr-00829)
District Judge: Hon. Harvey Bartle, III

Argued January 17, 2007

BEFORE: McKEE, AMBRO and STAPLETON, Circuit Judges

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(Opinion filed June 14, 2007)

ORDER AMENDING OPINION

AMBRO, *Circuit Judge*

It is now ordered that the not precedential dissenting Opinion in the above case filed June 14, 2007, be amended as follows:

On page 23 of the opinion, in Judge Ambro's dissent, footnote 13 is amended such that it reads in its entirety: "As explained earlier, *see supra* at 17–18, the majority avoids addressing the issue by erroneously concluding that the District Court did not base its decision on this ground, *see* Maj. Op. at 11."

On page 28 of the opinion, in Judge Ambro's dissent, in the second sentence of the Part entitled "III. Conclusion", the second sentence, beginning with "It was admissible . . ." is amended by inserting a semicolon (";") after the word "requested".

On pages 28 and 29 of the opinion, in Judge Ambro's dissent, the carry-over sentence beginning "Perhaps most notable . . ." is replaced in its entirety with the following: "Perhaps most notable, though, is that the Assistant U.S. Attorney trying this case objected to Hugh's motion to reopen at all."

On page 29, in Judge Ambro's dissent, in the first full sentence beginning with "It is inconceivable . . .", the word "that" is replaced with the word "how".

On page 29, in Judge Ambro's dissent, in the second sentence of the final paragraph, the word "the" is replaced with the word "this" in the concluding phrase "the decision not to reopen qualifies.", such that the phrase reads "this decision not to reopen qualifies."

By the Court,

/s/ Thomas L. Ambro
Circuit Judge

Dated: July 18, 2007

lwc/cc: Robert Epstein, Esq.
Paul G. Shapiro, Esq.
Jennifer A. Williams, Esq.