

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

July 8, 2011

No. 07-4394

United States of America

v.

John A. O'Neal, Appellant

(E.D. Pa. No. 04-mj-01060)

Present: HARDIMAN, ALDISERT, *Circuit Judges* and RESTANI *, *Judge*

1. Motion by Appellee to Correct Opinion of the Court.

Respectfully,
Clerk/slc

ORDER

The foregoing Motion is GRANTED.

IT IS HEREBY ORDERED that the opinion in the above case, filed June 22, 2011, be amended as follows:

Page 3, Section II, second line, which read:

On appeal, the United States concedes that it failed to demonstrate that O'Neal's protest occurred on VA property.

shall read:

In its Summary of Argument in the brief before us the United States Attorney states: "The government, upon careful consideration of the matter, reverses its earlier position and agrees with that part of the Appellant's argument asserting that the government presented insufficient evidence to support a restriction on O'Neal's political activity on October 28, 2004. The government did not sustain its burden in defeating the presumption that the area where O'Neal mounted his protest was a public forum; and

*The Honorable Jane A. Restani, Judge of the United States Court of International Trade, sitting by designation.

further did not establish the circumstances justifying a restriction on political speech in a public forum.”

By the Court,

/s/ Thomas M. Hardiman
Circuit Judge

Dated: July 18, 2011
CRG:\ All counsel of record