

No. 04-3095

United States of America
v.
Leonard J. Sicenavage, Appellant

(Eastern District of Pennsylvania(D.C.#03-cr-00370))

Present: SCIRICA, Chief Judge, VAN ANTWERPEN and COWEN, Circuit Judges

1. Motion by Appellant to Vacate Remand Order and for Voluntary Dismissal of Appeal Pursuant to F.R.A.P. 42(b).
2. Appellee's Response to Appellant's Motion to Vacate Remand Order and for Voluntary Dismissal of Appeal.

/s/ Carmella L. Wells
Carmella L. Wells 267-299-4928
Case Manager

Opinion and Judgment issued on 10/31/05
Mandate due to issue on 11/22/05

ORDER

After consideration of appellant's motion to vacate remand order and for voluntary dismissal of the appeal pursuant to F.R.A.P. 42(b) and appellee's response thereto, it is ordered that the opinion and judgment filed October 31, 2005, is vacated and the foregoing appeal is dismissed pursuant to F.R.A.P. 42(b).

By the Court,

/s/ Anthony J. Scirica
Chief Judge

Dated: November 30, 2005