

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-4779

JOSEPH NARA

v.

FREDERICK FRANK,

Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. No. 99-cv-00005)

District Judge: The Honorable Terrence F. McVerry

Argued on October 26, 2006
BEFORE: SMITH, WEIS, and NYGAARD, Circuit Judges.

(Filed May 8, 2007)

ORDER AMENDING OPINION
(Filed June 12, 2007)

NYGAARD, *Circuit Judge*:

It is now ordered that the published Opinion in the above case, filed on May 8, 2007, is hereby amended as follows:

At page 13, line 26, insert the following:

“First, the District Court found that the Magistrate Judge served the R&R upon Mr. Nara and the Commonwealth’s attorneys by first-class mail. The Commonwealth has presented no evidence to the contrary.”

In the next sentence, delete “First” and insert “Second.”

At page 14, line 4, delete “Second” and insert “Finally.”

By the Court,

/s/ Richard L. Nygaard
Circuit Judge