

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

January 23, 2009

No. 07-3939

United States of America

vs.

John Mangan, Appellant

(District of New Jersey Criminal No. 07-cr-00136)

PRESENT: McKEE, SMITH and ROTH, Circuit Judges.

1. Motion by Appellee to clarify the Opinion.

Answer due 2/3/09

Argued 12/10/08

Tonya Wyche 267-299-4938

Case Manager

O R D E R

The foregoing Motion by Appellee to Clarify the Opinion is construed as a Motion to Amend the Opinion. The Motion to Amend the Opinion is GRANTED and the Opinion filed on January 8, 2009 is amended as set forth below.

The first complete sentence on page six of the opinion accessed at www.ca3.uscourts.gov, which states: "In our view, it is the District Court that must determine, albeit with the advice or opinion of a mental health professional, the type and duration of mental health treatment" is AMENDED by eliminating the clause "albeit with the advice or opinion of a mental health professional". As amended, the sentence shall state: "In our view, it is the District Court that must determine the type and duration of mental health treatment."

By the Court,

/s/ D. Brooks Smith

Circuit Judge

Dated: February 5, 2009

tyw/cc: James F. Gizzi, Esq.

George S. Leone, Esq.

Steven G. Sanders, Esq.