

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-2896

UNITED STATES OF AMERICA

v.

LEON HENRY, JR.

Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(D.C. Crim. Action No. 2:00-cr-00667-PBT-4)
District Judge: Honorable Petrese B. Tucker

Submitted Under Third Circuit LAR 34.1(a)
April 28, 2011

ORDER

The opinion filed on May 9, 2011 shall be amended as follows: at page 4, where (2) “allow the parties to argue their positions relative to what they believe is an appropriate sentence;” shall be replaced with (2) “they must formally rule on the motions of both parties and state on the record whether they are granting a departure and how that departure affects the Guidelines calculation, and take into account the court’s pre-Booker case law, which continues to have advisory force.” This does not affect the Judgment issued by the Court on May 9, 2011. An amended opinion will be filed; however the original filing date will not be altered.

BY THE COURT:

/s/ Joseph A. Greenaway, Jr.
Circuit Judge

Dated: June 9, 2011