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Matteo v. Supt SCI Albion

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Filed April 12, 1999

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 96-2115

ANTHONY N. MATTEO,
Appellant

v.

SUPERINTENDENT, SCI ALBION;
THE DISTRICT ATTORNEY OF THE COUNTY OF
CHESTER; THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Civil Action No. 96-cv-06041
(Honorable Joseph L. McGlynn, Jr.)

Argued January 30, 1998
Before: MANSMANN, COWEN and RENDELL, Circuit Judges

Argued En Banc November 23, 1998
Before: BECKER, Chief Judge, SLOVITER, STAPLETON,
GREENBERG, SCIRICA, NYGAARD, ALITO, ROTH, LEWIS,
McKEE, RENDELL and COWEN, Circuit Judges

(Opinion Filed: March 24, 1999)

ORDER AMENDING OPINION

The slip opinion in the above case filed March 24, 1999
is hereby amended as follows:

1. On page 44, at the end of Section III, the following
sentence should be added:

Judge Nygaard joins in this concurring opinion.

2. On page 45, line 3 - "Matteos" should be "Matteo's".
3. On page 45, line 5 - "Matteos" should be "Matteo's".
4. On page 45, line 14 - "interpretative" should be "interpretive".
5. On page 45, line 34 - end the single quote after the word "to".
6. On page 45, line 36 - "petitioners" should be "petitioner's".
7. On page 47, line 14 - "petitioners" should be "petitioner's".
8. On page 47, line 30 - "defendants" should be "defendant's".
9. On page 47, line 38 - "cases" should be "case's".
10. On page 47, line 40 - "petitioners" should be "petitioner's".
11. On page 48, line 24 - "Teagues" should be "Teague's".
12. On page 48, line 26 - "(3)" should be "(d)".
13. On page 49, line 10 - "Matteos" should be "Matteo's".
14. On page 49, line 11 - "courts" should be "court's".
15. On page 49, line 34 - "Matteos" should be "Matteo's".
16. On page 50, line 22 - "Matteos" should be "Matteo's".
17. On page 50, line 24 - "Lubkings" should be "Lubking's".
18. On page 50, line 28 - "Lubkings" should be "Lubking's".
19. On page 51, at the beginning of the first full paragraph, delete "I agree with the majority's analysis of S 2254(d)(1)" and replace with the following:

I join in Parts I and II of the majority opinion,
20. On page 63, first full paragraph, line 8 the word "had" should be "has." The phrase should read: "if the state

court has disregarded the law or has engaged in flawed reasoning in applying it."

21. On page 64, the penultimate line of footnote 7, there should be a space between "S7841" and "(daily ed. June 7, 1995)."

BY THE COURT:

/s/ Anthony J. Scirica
Circuit Judge

Dated: April 12, 1999

A True Copy:
Teste:

Clerk of the United States Court of Appeals
for the Third Circuit

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