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2000 Decisions

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

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11-14-2000

## Sterling v. Minersville

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Filed November 14, 2000

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 99-1768

MADONNA STERLING, Executrix of the Estate of Mar cus  
Anthony Wayman

v.

BOROUGH OF MINERSVILLE; F. SCOTT WILINSKY ,  
POLICE OFFICER; THOMAS HOBAN, POLICE OFFICER;  
JOSEPH WILINSKY, POLICE CHIEF, individually and as  
police officers for the Borough of Minersville

Officer F. Scott Wilinsky and  
Officer Thomas Hoban,  
Appellants

Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civ. No. 98-cv-01857)  
District Judge: Honorable Arnold C. Rapoport

Argued  
July 18, 2000

Before: MANSMANN, RENDELL and STAPLETON,  
Circuit Judges.

ORDER AMENDING THE OPINION

The opinion filed on November 6, 2000 is amended as follows:

On page 4, line 36, delete "808" and substitute "826, 828."

On page 6, line 2, add the words "in question" between the words "privacy" and "inher ed".

Also on page 6, lines 32-33, add a single quotation mark before the word "the" on line 32. On line 33, after the word "matters" add ". . ." followed by a single quotation mark and a full quotation mark. Should read: matters . . . ' "

On page 7, lines 3-4, change the word "federal" to "fundamental" and change the word "upon" to the word "to". On line 4, add the word "consensual" before the word "sodomy".

Also, on page 7, line 19, the capital "T" in the word "The" should be placed in brackets. On line 20, change the word "about" to "concerning". On line 22, add ". . ." after the word "recognized." Should read: recognized . . . ."

On page 8, line 21, add the words "or personal" after the word "intimate". On line 22, add the word "is" after the word "justified".

Also, on page 8, lines 39 and 40, change the citation to "225 F.3d 290 (3d Cir. 2000)."

On page 9, line 6, change the word "fell" to "falls". On line 7, add the words "of one" after the word "right". On line 8, add quotation marks after the word "matters". On line 11, add a comma after the word "confidential". On line 12, change "\*9" to "303".

On page 10, line 22, place the "t" in the word "threats" in brackets. On line 23, add the word "a" before the word "chilling". On line 24, add the word "the" after the word "which".

BY THE COURT:

/s/ Carol Los Mansmann Circuit Judge

Date: November 14, 2000

A True Copy:

Teste:

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

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