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United States v. Miller

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Filed December 22, 1999

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 97-7438

UNITED STATES OF AMERICA

v.

QUENTIN MILLER, a/k/a "Q"
Quentin Miller, Appellant

On Appeal From the United States District Court
For the Middle District of Pennsylvania
(D.C. Crim. No. 96-cr-00021)
District Judge: Honorable William W. Caldwell

Argued: September 22, 1999

Before: BECKER, Chief Judge, GARTH, Circuit Judge,
and POLLAK, District Judge.*

(Opinion Filed: November 30, 1999)

ORDER AMENDING OPINION

The slip opinion in the above case is hereby Amended as follows:

1. On page 3 of the slip opinion, first full paragraph, last sentence, and on page 13, first full paragraph, penultimate sentence, after the number "(2)" in both sentences, the following phrase would be inserted: "if his motion is not styled as a S 2255 motion." After the number "(3)" in both

* Honorable Louis H. Pollak, United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

sentences, the phrase "withdraw the petition" should be replaced with "withdraw the motion."

2. On page 4, third paragraph, last two lines, delete the brackets and the citation within the brackets.

3. On page 5, carryover paragraph, last two lines, delete the brackets and the citation within the brackets.

4. On page 5, line 16, delete the brackets and the citation within the brackets.

5. On page 11, last line of the carryover paragraph, the word "pleading" should be "pleadings."

6. On page 13, the last sentence of the first full paragraph should be deleted except for the signal to footnote 7 (which remains), and replaced with the following:

"Presumably, the District Court will provide in its notice a time frame for the response.⁷"

7. On page 15, add a period after the "v" in the cite to Duffus.

BY THE COURT:

/s/ Edward R. Becker

Chief Judge

DATED: December 22, 1999

A True Copy:

Teste:

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