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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

May 31, 2017
CCO-087

No. 17-1184 & 17-1363

UNITED STATES OF AMERICA

v.

GEORGE J. PODLUCKY,
Appellant

(W.D. Pa. Nos. 2-09-cr-00278-001, 2-09-cr-00279-001, 2-11-cr-00037-001)

Present: SHWARTZ, NYGAARD and FISHER, Circuit Judges

1. “Notice to the Court” treated as a Motion filed by Appellant for reconsideration.
2. Motion by Appellant in 17-1363 to stay case.

Respectfully,
Clerk/tyw

ORDER

Appellant’s “Notice To The Court,” which has been treated as a motion for reconsideration, is granted to this extent: the Not Precedential Opinions and Judgments filed on the docket on May 16, 2017 are vacated. In addition, because appellant’s summary action response relating to C.A. No. 17-1184 is dated May 15, 2017, the Court will consider it. Revised opinions will be issued. Despite the arguments raised in appellant’s response to summary action, the reissued opinions and judgments will reflect that the appeal docketed at C.A. No. 17-1184 (D.C. Crim. Nos. 11-cr-00037, 09-cr-00279, & 09-cr-00278) summarily affirms the District Court’s order entered on January 13, 2017 denying appellant’s motion to withdraw the plea; and that the appeal docketed at C.A. No. 17-1363 (D.C. Crim. No. 09-cr-00279) summarily affirms the District Court’s January 20, 2017 order denying appellant’s motion to release the lien. Appellant’s arguments on the merits in his summary action response cannot be addressed because the District Court lacked jurisdiction to consider his criminal Rule 11 motion.

Summary affirmance of the District Court's order entered on 1/13/17 denying the motion to withdraw the plea was and remains appropriate. Appellant's motion to stay the appeal in C.A. No. 17-1363 is denied.

By the Court,

s/ Richard L. Nygaard
Circuit Judge

Dated: June 7, 2017