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1-30-2004

## USA v. Kellum

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No: 02-4054

UNITED STATES OF AMERICA

v.

CLAYTON KELLUM,

Appellant

Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(Crim. No. 01-CR-00399)  
District Judge: Hon. Clarence C. Newcomer

Submitted pursuant to Third Circuit LAR 34.1(a)  
November 3, 2003

Before: McKEE and SMITH, *Circuit Judges*,  
and WEIS, *Senior Circuit Judge*

**ORDER AMENDING OPINION**

**IT IS HEREBY ORDERED** that the Slip Opinion filed in this case on January 23, 2004, be amended as follows:

On page 8, delete the quoted paragraph

*Except as otherwise specifically provided*, a defendant who has been found guilty of an offense described in any Federal statute, including sections 13 and 1153 of this title, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a) to the extent that they are applicable in light of all the circumstances of the case.

and replace it with

*Except as otherwise specifically provided*, a defendant who has been found guilty of an offense described in any Federal statute, including sections 13 and 1153 of this title, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a) to the extent that they are applicable in light of all the circumstances of the case.

**IT IS SO ORDERED.**

BY THE COURT

/s/ Theodore A. McKee  
Circuit Judge

Dated: January 30, 2004