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2009 Decisions

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

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4-17-2009

## Powell v. Mahabir

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**PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 07-3859, 08-4663, 09-1162

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DANA M. PORTER

v.

DEPT. OF THE TREASURY

\*MICHAEL BUESGENS

Appellant in No. 07-3859

\*(Pursuant to Rule 12(a), F.R.A.P.)

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil Action No. 07-cv-01541)  
District Judge: Honorable Bruce W. Kauffman

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TOMMIE H. TELFAIR,

Appellant in No. 08-4663

v.

KAREN P. TANDY, Administrator-Drug Enforcement Administration; GERARD P. MCALEER, Director/Senior Officer-DEA: Newark; 1-50 UNKNOWN DEA AGENTS; 1-50 UNKNOWN FEDERAL AGENTS; RAY MCCARTHY, Chief of Police, Newark; MURAD MUHAMMED, Roberty-Homicide, OIC Newark Police; 1-50 UNKNOWN POLICE OFFICERS; PAUL W. BERGRIN, Private Attorney-District of New Jersey; CHRISTOPHER CHRISTY, AUSA-District of New Jersey

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 08-cv-0731)

District Judge: Honorable William J. Martini

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JEWEL POWELL; WINSTON POWELL a/k/a TOMMY POWELL, et. al.

v.

VIOLET O. MAHABIR; LORING W. SEWER; MARILYN E. WOODLEY; IRVIN A.  
SEWER; EARL A. SEWER; WARREN A. SEWER; LUCINDA C. ANTHONY;  
JUDITH O. CALLWOOD; LORREL A. SEWER,  
Appellants in No. 09-1162

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On Appeal from the United States District Court  
for the District of the Virgin Islands  
(D.C. Civil Action No. 05-cv-00083)  
District Judge: Honorable Raymond J. Finch

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Submitted Pursuant to Third Circuit LAR 27 and I.O.P. 10

Before: McKEE, RENDELL and SMITH, Circuit Judges

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ORDER AMENDING OPINION

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It appearing that at times the text of the opinion and order filed on April 16, 2009, identified the appellant in appeal No. 07-3859 as Dana M. Porter rather than Michael Buesgens, it is hereby O R D E R E D that the opinion and order shall be amended. The following changes shall be made to the text of the opinion:

Page 8, paragraph 2, first sentence is amended as follows:

Buesgens, who proceeds pro se, and the Mahabir appellants, who are represented by counsel, have moved to voluntarily dismiss their appeals under Federal Rule of Appellate Procedure 42(b).

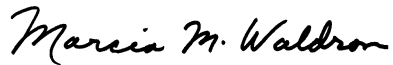
Page 8, paragraph 2, last sentence is amended as follows:

Accordingly, while we will grant Mahabir's and Buesgens's motions to withdraw their appeals ...

Page 9, paragraph 2, first sentence is amended as follows:

Buesgens's and the Mahabir appellants' motions to withdraw their appeals under Federal Rule of Appellate Procedure 42(b) are granted.

For the Court,

A handwritten signature in cursive script that reads "Marcia M. Waldron".

Marcia M. Waldron, Clerk

Dated: April 17, 2009