

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-1642
UNITED STATES OF AMERICA

v.

NICOLAU OLHOVSKY,
Appellant

(D.N.J. 06-cr-00263)

Present: MCKEE, RENDELL and TASHIMA, Circuit Judges

- 1) Motion by Appellee USA to Amend the Opinion dated April 16, 2009
- 2) Response by Appellant Nicolau Olhovsky in Opposition to Appellee's Motion to Amend the Opinion dated April 23, 2009
- 3) Reply by Appellee USA to Appellant's Response dated April 24, 2009

ORDER

In consideration of the Appellee's foregoing motion, and the Appellant's response thereto it is hereby ordered that Appellee's motion is **GRANTED**.

Accordingly: the opinion of this Court issued in this case on April 16, 2009 is hereby **AMENDED** as follows:

Footnote 20 is stricken from the opinion and each of the remaining footnotes are therefore renumbered accordingly.

By the Court,

/s/ Theodore A. McKee
Circuit Judge

Dated: May 5, 2009