

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

April 10, 2006

No. 04-2579

United States of America

v.

Hassan Thomas,
Appellant
(MD/PA Criminal No. 03-cr-00062-2)

Present: RENDELL, STAPLETON, Circuit Judges and GILES, District Judge.

Motion by Appellee USA to Amend Opinion.

Response due 4/20/06

Opinion & Judgment entered 3/29/06.

Mandate due to issue 4/20/06.

/s/Lynn M. Lopez

Case Manager (267)299-4922

ORDER AMENDING OPINION

The foregoing motion is GRANTED and the not precedential opinion filed in the above referenced case on 3/29/06 is amended as follows:

At the tenth line of the opinion, the sentence beginning with “After *Booker*,” is amended to read:

After *Booker*, such facts may be found by the District Judge, but only if the sentencing guidelines are applied in an advisory manner. *Id.* at 764-68.

By the Court,

/s/ Marjorie O. Rendell

Circuit Judge

Dated: May 4, 2006
LML/cc: William A. Behe, Esq.
Theodore B. Smith III, Esq.
Joshua D. Lock, Esq.