

# United States Court of Appeals For the First Circuit

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Nos. 05-1503, 05-2545

JAMES NAPIER,  
Plaintiff, Appellant,  
v.  
F/V DEESIE, INC.,  
Defendant, Appellee.

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## ERRATA SHEET

The opinion of this Court issued on July 11, 2006, is amended as follows:

On page 6 of the slip opinion, the sentence beginning "The magistrate judge's ruling was also erroneous..." should now read as follows:

The magistrate judge's ruling was also erroneous because Napier, in a report that was filed with his opposition to Deesie's amended motion for summary judgment, provided evidence that he took aspirin and Motrin, an allegation that should have been taken as true by the magistrate judge for purposes of deciding upon the summary judgment motion.