

Not for Publication in West's Federal Reporter
United States Court of Appeals
For the First Circuit

No. 06-2363

UNITED STATES OF AMERICA,

Appellant,

v.

HARRY GUZMAN,

Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Joseph L. Tauro, U.S. District Judge]

Before

Lipez, Circuit Judge,
Selya, Senior Circuit Judge,
and Delgado-Colón,* District Judge.

Robert E. Richardson, Assistant United States Attorney, with whom Michael J. Sullivan, United States Attorney, was on brief, for appellant.

Judith H. Mizner, Federal Defender Office, with whom David A. Ruhnke and Ruhnke & Barrett were on brief, for appellee.

September 27, 2007

*Of the District of Puerto Rico, sitting by designation.

Per Curiam. The district court's allowance of the defendant's motion in limine was not an abuse of discretion and, a fortiori, the court's denial of the ensuing motion for reconsideration was also within its discretion. Consequently, we affirm the rulings from which the government has appealed. The district court may, if circumstances warrant and if the court so elects, revisit the in limine ruling during the trial. See, e.g., United States v. Marino, 200 F.3d 6, 11 (1st Cir. 1999) (explaining that "rulings on motions in limine normally are considered provisional, in the sense that the trial court may revisit its pretrial evidentiary rulings at retrial when an evidentiary proffer may be more accurately assessed in the context of . . . other evidence"). In all events, we need go no further.

Affirmed.