

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 17th day of February, two thousand twelve.

PRESENT: DENNIS JACOBS,
Chief Judge,
GUIDO CALABRESI,
ROSEMARY S. POOLER,
Circuit Judges.

- - - - -X

UNITED STATES OF AMERICA,
Appellee,

-v.-

11-1126

SERGEY ALEJNIKOV,
Defendant-Appellant.

- - - - -X

The mandate is recalled, the order of February 16, 2012 is rescinded, and the following order is entered.

Upon due consideration, it is hereby **ORDERED, ADJUDGED AND DECREED** that the judgment of conviction is **REVERSED** on both counts and the matter is remanded to the district court for the limited purpose of releasing the defendant upon the terms of bail that were previously set. An opinion shall follow in due course.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK




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This Court's order issued earlier this date is hereby amended to the extent of granting to the district court judge, upon remand, discretion to set the terms and conditions of bail for the defendant pending issuance of the mandate.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK


