

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-3616

CARL SIMON,

Appellant

v.

GOVERNMENT OF THE VIRGIN ISLANDS

On Appeal from the District Court
of the Virgin Islands – Appellate Division
(D. C. No. 3-03-cv-00024)
District Judge: Honorable Daryl D. Donohue
District Judge: Honorable Raymond L. Finch
District Judge: Honorable Curtis V. Gomez

Argued on December 8, 2011

Before: FISHER, GREENAWAY, JR. and ROTH, Circuit Judges

(Opinion filed May 9, 2012)

Joseph A. DiRuzzo, III, Esquire (**Argued**)
Fuerst Ittleman
1001 Brickell Bay Drive
Suite 3200
Miami, FL 33131

Counsel for Appellant

Office of Attorney General of the Virgin Islands
Department of Justice
Tiffany V. Monroe, Esquire (**Argued**)
34-38 Kronprindsens Gade, GERS Complex, 2nd Floor
Charlotte Amalie
St. Thomas, VI 00802

Counsel for Appellee

ROTH, Circuit Judge:

ORDER AMENDING SLIP OPINION

IT IS ORDERED that the published Opinion in the above case, filed on May 9, 2012, be amended as follows:

On **page 12, paragraph 2, sentence 1**, delete the following word:

“CPD”

and **replace it with:**

“CPC”.

On **page 6, paragraph 2, line 1**, delete and add to the following:

Delete “issued a Certificate of Appealability,” add a comma after “ Joseph A. DiRuzzo, III” and delete the comma after the word “counsel,”

which will **result in the sentence reading:**

“On December 17, 2010, we appointed Joseph A. DiRuzzo, III, as counsel and directed the parties to address:”

By the Court,

JANE R. ROTH
Circuit Judge

Dated: May 16, 2012
tmm/cc: All counsel of Record