

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-2395

UNITED STATES OF AMERICA

v.

ANDRE EVANS,
Appellant

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Criminal Action No. 2-15-cr-00423-001)
District Judge: Honorable Harvey Bartle, III

Submitted Under Third Circuit LAR 34.1(a)
March 27, 2017

Before: AMBRO, VANASKIE, and RESTREPO, Circuit Judges

(Opinion filed May 2, 2017)

ORDER AMENDING NOT PRECEDENTIAL OPINION

IT IS NOW ORDERED that the Not Precedential Opinion in the above case filed May 2, 2017, be amended as follows:

On page 4, Footnote 1, add the following sentence at the end of the paragraph. “Evans has failed to raise, and thereby waived, any argument that § 3584(a) and § 5G1.3(d) apply to him because he is subject to an undischarged term of imprisonment under Pennsylvania law, under which the parole board has the authority to order him recommitted to prison.”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: May 4, 2017