

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 11-1519

UNITED STATES OF AMERICA,  
Plaintiff - Appellee,

**FILED**  
**Jun 03, 2013**  
DEBORAH S. HUNT, Clerk

v.

PHILLIP ZABAWA,  
Defendant - Appellant.

Before: COLE and KETHLEDGE, Circuit Judges; THAPAR, District Judge.

**JUDGMENT**On Appeal from the United States District Court  
for the Eastern District of Michigan at Detroit.THIS CAUSE was heard on the record from the district court and was argued by  
counsel.IN CONSIDERATION WHEREOF, it is ORDERED that Zabawa's conviction  
under § 111(a)(1) is AFFIRMED, his conviction under § 111(b) is REVERSED, and  
the case REMANDED to the district court for further proceedings consistent with the  
opinion of this court.**ENTERED BY ORDER OF THE COURT**\_\_\_\_\_  
Deborah S. Hunt, Clerk