

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 11-4300/4552

UNITED STATES OF AMERICA,

Appellant

v.

PAUL W. BERGRIN

On Appeal from the United States District Court
for the District of New Jersey
(D.C. No. 09-cr-369)
District Judge: Hon. William J. Martini

Argued
March 29, 2012

Before: FUENTES, SMITH, and JORDAN, *Circuit Judges*.

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was argued on March 29, 2012. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the decision to exclude evidence from the retrial of Counts Twelve and Thirteen of the Indictment issued by the District Court on November 23, 2011, be and the same is hereby VACATED in part. We direct that the case be reassigned to a different district judge to preside over all additional proceedings. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

DATE: June 15, 2012

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

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June 15, 2012

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RE: USA v. Paul Bergrin
Case Number: 11-4300 / 11-4552
District Case Number: 2-09-cr-00369-001

ENTRY OF JUDGMENT

Today, **June 15, 2012** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Page Limits:

15 pages

Attachments:

A copy of the panel's opinion and judgment only. No other attachments are permitted without first obtaining leave from the Court.

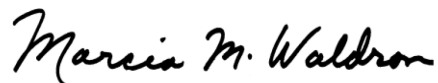
Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. If separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to a combined 15 page limit. If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed.R.App.P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,



Marcia M. Waldron, Clerk

By: Case Manager / slc
267-299-4959