

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-4536

Paul Kamienski,
Appellant

v.

Roy L. Hendricks, et al

(D.N. J. 02-cv-03091)

Present: MCKEE, SMITH and VAN ANTWERPEN, Circuit Judges

- 1) Motion by Appellant for Bail or Alternatively to Issue the Mandate;

- 2) Response in Opposition by Appellee to Appellant's Motion for Bail or Alternatively to Issue the Mandate.

/s/Tina Koperna
Case Manager 267-299-4930

ORDER

The foregoing motion for release pursuant to Fed. R. App. P. 23(c), or alternatively, to shorten the period for mandate under Fed. R. App. P. 41(b), is granted insofar as ordering release on the defendant's own recognizance pursuant to Rule 23(c).

IT IS FURTHER ORDERED that this matter is remanded to the District Court forthwith for the limited purpose of setting such terms of release as weekly reporting to the appropriate state authorities during the pendency of the State's petition for rehearing and any subsequent period that may result if a petition for a writ of *certiorari* is filed.

Inasmuch as the State has filed a petition for rehearing, the mandate is stayed. Fed. R. App. P. 41(d)(1). *See Hilton v. Braunskill*, 481 U.S. 770, 774 (1987).

By the Court

/s/ Theodore A. McKee

Circuit Judge



Marcia M. Waldron

Marcia M. Waldron, Clerk

Dated: June 12, 2009

tmk/cc: Timothy J. McInnis, Esq.

Samuel J. Marzarella, Esq.