

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION
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DAVID LEE FISHER : NO. 01-769

MEMORANDUM

ROBERT F. KELLY, Sr. J.

APRIL 3, 2006

David Lee Fisher has filed a Motion to Correct and Illegal Sentence (Doc. No. 136). This Motion was filed March 21, 2006. He was sentenced on March 10, 2006.

This Court lacks jurisdiction to consider the Defendant’s Motion because Fed. R. Crim. P. 35 only permits a Court to “correct a sentence that resulted from arithmetical, technical or other clear error.” In the present case there was no error resulting from the sentence imposed at the re-sentencing, let alone clear manifest error. In addition, this Court lacks jurisdiction to consider this Motion because we received notice of appeal by David Lee Fisher from the sentence of March 10, 2006 on March 13, 2006, thereby removing jurisdiction from this Court. We therefore enter the following Order.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION
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 vs. :
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 DAVID LEE FISHER : NO. 01-769

ORDER

AND NOW, this 3rd day of April, 2006, Defendant's Motion to Correct Illegal Sentence (Doc. No. 136) is **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE