

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals
for the Second Circuit, held at the Daniel Patrick Moynihan
United States Courthouse, 500 Pearl Street, in the City of
New York, on the 17th day of February, two thousand twelve.

PRESENT: DENNIS JACOBS,
Chief Judge,
GUIDO CALABRESI,
ROSEMARY S. POOLER,
Circuit Judges.

- - - - -X
UNITED STATES OF AMERICA,
Appellee,

-v.-

11-1126

SERGEY ALEYNIKOV,
Defendant-Appellant.

- - - - -X

The mandate is recalled, the order of February 16, 2012
is rescinded, and the following order is entered.

Upon due consideration, it is hereby **ORDERED, ADJUDGED
AND DECREED** that the judgment of conviction is **REVERSED** on
both counts and the matter is remanded to the district court
for the limited purpose of releasing the defendant upon the
terms of bail that were previously set. An opinion shall
follow in due course.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK

Catherine O'Hagan Wolfe


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This Court's order issued earlier this date is hereby
amended to the extent of granting to the district court judge,
upon remand, discretion to set the terms and conditions of
bail for the defendant pending issuance of the mandate.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK

The block contains a handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal of the United States Court of Appeals for the Second Circuit. The seal features the words "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS" around its perimeter.