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District of Hawaii

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DISTRICT OF HAWAII

September 15, 2006

Honorable Helen Gillmor
U.S. District Judge
U.S. Courthouse
300 Ala Moana Blvd.
Honolulu, Hawaii 96850

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 27 2006

at 9 o'clock and 05 min. AM
SUE BEITIA, CLERK

Re: United States v. JAY PADAYAO
Cr. No. 05-00161 HG

Dear Judge Gillmor:

On July 20, 2006, the Court instructed the parties to inform it of the status of the government's petition for rehearing en banc in *United States v. Piccolo*, 441 F.3d 1084 (9th Cir. 2006) (holding that escapes without violence are not "crimes of violence"). I have just learned today that the Ninth Circuit has denied the government's petition for rehearing en banc in *Piccolo*.

Very truly yours,

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By Marshall Silverberg
MARSHALL H. SILVERBERG
Assistant U.S. Attorney

cc: Richard Kawana, Esq.
Mona Godinet