

# United States Court of Appeals For the First Circuit

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No. 01-1853

UNITED STATES,

Appellee,

v.

ALBERTO LUJAN, A/K/A ROBERT LUJAN,

Defendant, Appellant.

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## ERRATA SHEET

The opinion of the Court issued on March 31, 2003, is amended as follows:

Replace the following language in footnote 7 "We have not yet taken a stance on the issue, see, e.g., United States v. Rivera-Maldonado, 194 F.3d 224, 236 n.16 (1st Cir. 1999) ("Insofar as the 'extraordinary physical impairment' determination presented a factual issue for the sentencing court, we review only for clear error.") (citation omitted), but leave for another day whether and to what extent review is available." with "Notwithstanding, we have held that the district court's factual determinations in refusal-to-depart cases are not reviewable. United States v. Dewire, 271 F.3d 333, 337-40 (1st Cir. 2001)."