

No. 22-__

In the
Supreme Court of the United States

Nardino Colotti, Alex Rudaj, Prenka Ivezaj,
Nikola Dedaj, and Angelo DiPietro,
Petitioners,

v.

United States of America,

Respondent.

**MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

Petitioner Prenka Ivezaj respectfully requests leave to proceed here *in forma pauperis*, without payment of fees and costs. Counsel certifies that, in the court below, counsel was appointed to represent petitioner pursuant to the Criminal Justice Act. Pursuant to Rule 39, a copy of the appointment order is attached hereto. Also attached is a copy of the Second Circuit docket sheet, which indicates at the top of the page that IFP status was granted.

Dated: New York, New York
 February 6, 2024



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Rchanderraj@wilkie.com

Counsel to Prenka Ivezaj

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
PRENKA IVEZAJ,	:	11 Civ. 1403 (DLC)
	:	04 Cr. 1110-04
	:	
-v-	:	<u>ORDER</u>
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
-----X	:	

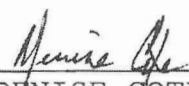
[Stamp: USDC SDNY
 DC Judge
 DENISE COTE
 12/21/2011]

DENISE COTE, District Judge:

IT IS HEREBY ORDERED that CJA attorney, Michael Schachter, is appointed to represent the petitioner, Prenka Ivezaj. Counsel shall promptly file a notice of appearance.

IT IS FURTHER ORDERED that pursuant to the December 21, 2011 Opinion and Order, a hearing is scheduled for **February 15, 2012** at 9:30 a.m. in Courtroom 15B.

Dated: New York, New York
December 21, 2011



 DENISE COTE
 United States District Judge

COPIES MAILED TO:

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Assistant United States Attorney
One Saint Andrew's Plaza
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Prenka Ivezaj
56993-054
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P.O. Box 2000
Fort Dix, NJ 08640

Michael S. Schachter
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New York, NY 10019-6099

PACER fee: Exempt

General Docket
Court of Appeals, 2nd Circuit

Court of Appeals Docket #: 21-992
Nature of Suit: 2510 PRISONER PET-Sentence (2255)
Ivezaj v. United States of America
Appeal From: SDNY (NEW YORK CITY)
Fee Status: IFP Granted

Docketed: 04/20/2021
Termed: 06/21/2023

Case Type Information:

- 1) Prisoner
- 2) Federal
- 3) Section 2255

Originating Court Information:

District: 0208-1 : 20-cv-4889
Trial Judge: Denise Cote, U.S. District Judge
Date Filed: 06/25/2020

Date Order/Judgment: 03/30/2021	Date Order/Judgment EOD: 03/30/2021	Date NOA Filed: 04/20/2021	Date Rec'd COA: 04/20/2021
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Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Consolidated				
	<u>21-932</u>	<u>21-937</u>	05/19/2021	
	<u>21-932</u>	<u>21-950</u>	05/19/2021	
	<u>21-932</u>	<u>21-992</u>	05/19/2021	
	<u>21-932</u>	<u>21-1548</u>	07/08/2021	

Panel Assignment: Not available

Prenka Ivezaj
Plaintiff - Appellant

Michael S. Schachter, Partner
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[COR NTC Retained]
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Defendant - Appellee

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York
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New York, NY 10007

FOR THE OFFICIAL CAPTION AND COMPLETE SET OF ATTORNEY LISTINGS, PLEASE SEE THE LEAD DOCKET NUMBER: 21-932

- 04/20/2021 1 NOTICE OF PRISONER APPEAL, with district court docket, on behalf of Appellant Prenka Ivezaj, FILED. 6 pg, 353.59 KB [3082755] [21-992] [Entered: 04/21/2021 02:33 PM]
- 04/20/2021 2 DISTRICT COURT OPINION AND ORDER, dated 03/29/2021, RECEIVED.[3082758] [21-992] [Entered: 04/21/2021 02:35 PM] 29 pg, 260.11 KB
- 04/20/2021 3 DISTRICT COURT JUDGMENT, dated 03/30/2021, RECEIVED.[3082762] [21-992] [Entered: 04/21/2021 02:36 PM] 1 pg, 74.9 KB
- 04/20/2021 5 ELECTRONIC INDEX, in lieu of record, FILED.[3082767] [21-992] [Entered: 04/21/2021 02:37 PM] 5 pg, 287.41 KB
- 04/23/2021 6 NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States of America, FILED. Service date 04/23/2021 by CM/ECF. [3085014] [21-992] [Entered: 04/23/2021 12:56 PM] 1 pg, 61.28 KB
- 04/23/2021 7 NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States of America, FILED. Service date 04/23/2021 by CM/ECF. [3085030] [21-992] [Entered: 04/23/2021 01:07 PM] 1 pg, 59.51 KB
- 04/23/2021 8 ATTORNEY, Jonathan Rebold for United States of America, in case 21-992, [6], ADDED.[3085258] [21-992] [Entered: 04/23/2021 02:38 PM]
- 04/23/2021 9 ATTORNEY, Andrew Wesley Jones for United States of America, in case 21-992, [7], ADDED.[3085260] [21-992] [Entered: 04/23/2021 02:39 PM]
- 05/04/2021 10 ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellant Prenka Ivezaj, FILED. Service date 05/04/2021 by CM/ECF.[3092991] [21-992] [Entered: 05/04/2021 02:45 PM] 1 pg, 194.63 KB
- 05/04/2021 11 FORM C, on behalf of Appellant Prenka Ivezaj, FILED. Service date 05/04/2021 by CM/ECF.[3092993] [21-992] [Entered: 05/04/2021 02:46 PM] 71 pg, 2.7 MB
- 05/04/2021 12 FORM D, on behalf of Appellant Prenka Ivezaj, FILED. Service date 05/04/2021 by CM/ECF.[3092996] [21-992] [Entered: 05/04/2021 02:46 PM] 1 pg, 188.46 KB
- 05/05/2021 15 NEW CASE MANAGER, Gerard Whidbee, ASSIGNED.[3093722] [21-992] [Entered: 05/05/2021 10:34 AM] 1 pg, 89.22 KB
- 05/13/2021 18 NEW CASE MANAGER, Jessica Mckenzie, ASSIGNED.[3099837] [21-992] [Entered: 05/13/2021 12:01 PM] 1 pg, 90.24 KB
- 05/18/2021 19 LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant Prenka Ivezaj, informing Court of proposed due date 08/17/2021, RECEIVED. Service date 05/18/2021 by CM/ECF.[3102858] [21-992] [Entered: 05/18/2021 11:10 AM] 2 pg, 158.46 KB
- 05/19/2021 21 CAPTION, Cases 21-932, 21-937, 21-950, 21-992 consolidated , AMENDED.[3104106] [21-932, 21-937, 21-950, 21-992] [Entered: 05/19/2021 03:50 PM] 1 pg, 93.93 KB
- 05/19/2021 22 SCHEDULING ORDER Brief due date as 09/16/2021. Joint Appendix due date as 09/16/2021, FILED. [3104157] [21-932, 21-937, 21-950, 21-992] [Entered: 05/19/2021 04:17 PM] 1 pg, 148.65 KB
- 05/26/2021 23 NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellant Nardino Colotti in 21-932, FILED. Service date 05/26/2021 by CM/ECF. [3108873] [21-932, 21-937, 21-950, 21-992] [Entered: 05/26/2021 04:36 PM] 1 pg, 64.41 KB
- 05/26/2021 24 ATTORNEY, Edward Scott Zas for Nardino Colotti, in case 21-932 , [23], ADDED.[3108891] [21-932, 21-937, 21-950, 21-992] [Entered: 05/26/2021 04:50 PM]
- 07/08/2021 25 CAPTION, Case consolidation, AMENDED.[3134003] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 07/08/2021 02:53 PM] 1 pg, 93.57 KB
- 07/15/2021 27 ORDER, dated 07/15/2021, setting 09/16/2021 as Appellant Angelo DiPietro's brief due date, FILED. [3138841] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 07/15/2021 04:01 PM] 1 pg, 147.01 KB
- 08/05/2021 30 LETTER, dated 08/05/2021, on behalf of Appellant Nardino Colotti in 21-932, informing Court that Eunice C. Lee is departing Federal Defenders of New York, Inc. and should be terminated as counsel of record to Appellant, RECEIVED. Service date 08/05/2021 by 3rd party.[3151085] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 08/05/2021 02:08 PM] 1 pg, 179.32 KB
- 08/05/2021 31 ATTORNEY, Eunice C. Lee, for Nardino Colotti, TERMINATED.[3151088] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 08/05/2021 02:09 PM]
- 09/16/2021 32 APPENDIX, volume 1 of 2, (pp. 1-273), on behalf of Appellant Nardino Colotti and Nikola Dedaj in 21-932, Appellant Nikola Dedaj in 21-950, FILED. Service date 09/16/2021 by CM/ECF.[3174807] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:26 AM] 274 pg, 4.26 MB
- 09/16/2021 33 APPENDIX, volume 2 of 2, (pp. 274-539), on behalf of Appellant Nikola Dedaj and Nardino Colotti in 21-932, Appellant Nikola Dedaj in 21-950, FILED. Service date 09/16/2021 by CM/ECF.[3174811] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:26 AM] 270 pg, 3.55 MB

1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:27 AM]

- 09/16/2021 [34](#) NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellant Alex Rudaj in 21-932, 21-937, FILED. Service date 09/16/2021 by CM/ECF. [3174831] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:36 AM]
1 pg, 63.06 KB
- 09/16/2021 [35](#) BRIEF, on behalf of Appellant Nardino Colotti and Nikola Dedaj in 21-932, Appellant Nikola Dedaj in 21-950, FILED. Service date 09/16/2021 by CM/ECF.[3174850] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:49 AM]
73 pg, 360.11 KB
- 09/16/2021 [36](#) BRIEF, on behalf of Appellant Alex Rudaj in 21-932, 21-937, FILED. Service date 09/16/2021 by CM/ECF. [3174858] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:57 AM]
73 pg, 360.12 KB
- 09/16/2021 [37](#) APPENDIX, volume 1 of 2, (pp. 1-273), on behalf of Appellant Alex Rudaj in 21-932, 21-937, FILED. Service date 09/16/2021 by CM/ECF.[3174861] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:58 AM]
274 pg, 4.25 MB
- 09/16/2021 [38](#) APPENDIX, volume 2 of 2, (pp. 274-539), on behalf of Appellant Alex Rudaj in 21-932, 21-937, FILED. Service date 09/16/2021 by CM/ECF.[3174865] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 10:59 AM]
270 pg, 3.54 MB
- 09/16/2021 [39](#) BRIEF, on behalf of Appellant Prenka Ivezaj in 21-932, 21-992, FILED. Service date 09/16/2021 by CM/ECF.[3175205] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 02:50 PM]
73 pg, 359.63 KB
- 09/16/2021 [40](#) APPENDIX, volume 1 of 2, (pp. 1-273), on behalf of Appellant Prenka Ivezaj in 21-932, 21-992, FILED. Service date 09/16/2021 by CM/ECF.[3175216] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 02:57 PM]
274 pg, 4.25 MB
- 09/16/2021 [41](#) APPENDIX, volume 2 of 2, (pp. 274-539), on behalf of Appellant Prenka Ivezaj in 21-932, 21-992, FILED. Service date 09/16/2021 by CM/ECF.[3175241] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/16/2021 03:13 PM]
270 pg, 3.54 MB
- 09/17/2021 [44](#) SEALED PRE-SENTENCE REPORT, on behalf of Appellant Prenka Ivezaj in 21-932, 21-992, RECEIVED. [3176501] [21-932, 21-992] [Entered: 09/20/2021 11:17 AM]
- 09/27/2021 [49](#) LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellee United States of America in 21-932, 21-1548, 21-937, 21-950, informing Court of proposed due date 12/16/2021, RECEIVED. Service date 09/27/2021 by CM/ECF.[3181755] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 09/27/2021 07:47 PM]
1 pg, 162.01 KB
- 09/28/2021 [52](#) SO-ORDERED SCHEDULING NOTIFICATION, setting Appellee United States of America in 21-932, 21-937, 21-950, 21-992, 21-1548 Brief due date as 12/16/2021, FILED.[3181969] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 09/28/2021 09:40 AM]
1 pg, 136.24 KB
- 12/10/2021 [54](#) NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States of America in 21-932, 21-1548, 21-937, 21-950, 21-992, FILED. Service date 12/10/2021 by CM/ECF. [3226311] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 12/10/2021 12:03 PM]
1 pg, 61.48 KB
- 12/10/2021 [55](#) ATTORNEY, Karl N. Metzner for United States of America, in case 21-932 Karl N. Metzner for United States of America, in case 21-1548 Karl N. Metzner for United States of America, in case 21-937 Karl N. Metzner for United States of America, in case 21-950 Karl N. Metzner for United States of America, in case 21-992 , [54], ADDED.[3226329] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 12/10/2021 12:25 PM]
- 12/16/2021 [56](#) BRIEF, on behalf of Appellee United States of America in 21-932, 21-1548, 21-937, 21-950, 21-992, FILED. Service date 12/16/2021 by CM/ECF. [3229312] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 12/16/2021 12:08 PM]
41 pg, 332.95 KB
- 12/22/2021 [59](#) MOTION, to extend time, on behalf of Appellant Nardino Colotti and Nikola Dedaj in 21-932, Appellant Nikola Dedaj in 21-950, FILED. Service date 12/22/2021 by CM/ECF. [3232437] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 12/22/2021 12:52 PM]
4 pg, 1.19 MB
- 12/22/2021 [62](#) MOTION ORDER, granting motion to extend time, [59], filed by Appellant Nikola Dedaj and Nardino Colotti, FILED. [3232540][62] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 12/22/2021 02:05 PM]
1 pg, 146.57 KB
- 12/30/2021 [63](#) ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Andrew Jones for Appellee United States of America in 21-932, 21-1548, 21-937, 21-950, Attorney Andrew Jones for Appellee United States of America and Attorney Andrew Jones for Appellee United States of America in 21-992, FILED. Service date 12/30/2021 by CM/ECF. [3235850] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 12/30/2021 02:48 PM]
1 pg, 211.42 KB
- 12/30/2021 [64](#) ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Mr. Michael S. Schachter for Appellant Prenka Ivezaj in 21-932, 21-992, FILED. Service date 12/30/2021 by CM/ECF. [3235852] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 12/30/2021 03:12 PM]
1 pg, 166.79 KB

- 01/03/2022 67 ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney David E. Patton, Esq. for Appellant Alex Rudaj in 21-937, 21-932, FILED. Service date 01/03/2022 by CM/ECF. [3236533] [21-937, 21-1548, 21-932, 21-950, 21-992] [Entered: 01/03/2022 03:37 PM]
1 pg, 357.28 KB
- 02/02/2022 69 CASE CALENDARING, for the week of 04/25/2022, PANEL B, PROPOSED.[3254783] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 02/02/2022 04:37 PM]
- 02/07/2022 70 REPLY BRIEF, on behalf of Appellant Nardino Colotti and Nikola Dedaj in 21-932, Appellant Nikola Dedaj in 21-950, Appellant Alex Rudaj in 21-937, 21-932, Appellant Prenka Ivezaj in 21-932, 21-992, Appellant Angelo Dipietro in 21-1548, FILED. Service date 02/07/2022 by CM/ECF. [3256716] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 02/07/2022 01:55 PM]
32 pg, 218.44 KB
- 03/10/2022 75 CASE CALENDARING, for the week of 05/31/2022, PROPOSED.[3275577] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 03/10/2022 12:19 PM]
- 04/11/2022 76 CASE CALENDARING, for argument on 06/02/2022, SET.[3294480] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 04/11/2022 11:06 AM]
- 04/13/2022 77 ARGUMENT NOTICE, to attorneys/parties, TRANSMITTED.[3296085] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 04/13/2022 12:08 PM]
3 pg, 105.89 KB
- 05/23/2022 79 INSTRUCTIONS FOR ARGUMENT, to attorneys/parties, TRANSMITTED. Note: Listed counsel must log on to CM/ECF in order to view the attachment. [3319734] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 05/23/2022 01:49 PM]
2 pg, 98.66 KB
- 06/02/2022 80 CASE, before PNL, BDP, SJM, HEARD.[3325355] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 06/02/2022 10:18 AM]
- 06/21/2023 85 NEW CASE MANAGER, Atasha Joseph, ASSIGNED.[3531627] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 06/21/2023 09:12 AM]
1 pg, 91.43 KB
- 06/21/2023 86 OPINION, affirming the judgment of the district court, by PNL, BDP, SJM, FILED.[3531640] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 06/21/2023 09:19 AM]
39 pg, 548.63 KB
- 06/21/2023 91 JUDGMENT, FILED.[3531921] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 06/21/2023 11:46 AM]
1 pg, 154.57 KB
- 08/07/2023 92 PETITION FOR REHEARING/REHEARING EN BANC, on behalf of Appellant Nardino Colotti in 21-932, FILED. Service date 08/07/2023 by CM/ECF.[3552565] [21-932, 21-1548, 21-992] [Entered: 08/07/2023 01:23 PM]
62 pg, 705.3 KB
- 08/07/2023 93 PETITION FOR REHEARING/REHEARING EN BANC, on behalf of Appellant Nikola Dedaj in 21-932, 21-950, FILED. Service date 08/07/2023 by CM/ECF.[3552607] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 08/07/2023 02:04 PM]
- 08/07/2023 94 DEFECTIVE DOCUMENT, PETITION FOR REHEARING/REHEARING EN BANC, [93], on behalf of Appellant Nikola Dedaj in 21-932, 21-950, FILED.[3552625] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 08/07/2023 02:16 PM]
2 pg, 128.79 KB
- 08/07/2023 97 PETITION FOR REHEARING/REHEARING EN BANC, on behalf of Appellant Nikola Dedaj in 21-932, 21-950, FILED. Service date 08/07/2023 by CM/ECF.[3552672] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 08/07/2023 02:49 PM]
64 pg, 556.91 KB
- 08/07/2023 98 CURED DEFECTIVE PETITION FOR REHEARING/REHEARING EN BANC, [97], on behalf of Appellant Nikola Dedaj in 21-932, 21-950, FILED.[3552682] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 08/07/2023 02:52 PM]
- 08/07/2023 100 PETITION FOR REHEARING/REHEARING EN BANC, on behalf of Appellant Alex Rudaj in 21-932, 21-937, FILED. Service date 08/07/2023 by CM/ECF.[3552898] [21-932, 21-1548, 21-937, 21-950, 21-992] [Entered: 08/07/2023 05:30 PM]
65 pg, 543.46 KB
- 09/11/2023 103 ORDER, denying petition for panel rehearing, or, in the alternative, for rehearing en banc, on behalf of Appellant Nardino Colotti, FILED.[3566943] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 09/11/2023 12:36 PM]
1 pg, 148.09 KB
- 09/11/2023 104 ORDER, denying petition for panel rehearing, or, in the alternative, for rehearing en banc, on behalf of Appellant Nikola Dedaj, FILED.[3566947] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 09/11/2023 12:39 PM]
1 pg, 148.09 KB
- 09/11/2023 105 ORDER, denying petition for panel rehearing, or, in the alternative, for rehearing en banc, on behalf of Appellant Alex Rudaj, FILED.[3566951] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 09/11/2023 12:42 PM]
1 pg, 148.04 KB
- 09/18/2023 106 JUDGMENT MANDATE, ISSUED.[3569792] [21-932, 21-937, 21-950, 21-992, 21-1548] [Entered: 09/18/2023 10:09 AM]
37 pg, 1.06 MB

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