

SEP 07 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**UNITED STATES OF AMERICA,**  
  
Plaintiff - Appellee,  
  
v.  
  
**DANIEL NICHERIE, AKA Seal A,**  
  
Defendant - Appellant.

No. 09-50305

D.C. No. 2:04-cr-00354-DSF-1

**MEMORANDUM\***

Appeal from the United States District Court  
for the Central District of California  
Dale S. Fischer, District Judge, Presiding

Submitted August 30, 2010\*\*  
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **O'SCANNLAIN** and **GOULD**, Circuit  
Judges.

The district court never issued a ruling on Nicherie's request for the funds held in the attorney client trust accounts and the bail bond. Until it does, the matter

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

is still pending before the district court and we have no jurisdiction. See 28 U.S.C. § 1291 (granting “jurisdiction of appeals from all final decisions of the district courts”); Jacobsen v. U.S. Postal Serv., 993 F.2d 649, 662 (9th Cir. 1992).

**DISMISSED.**