

DEC 27 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>WAI LEUNG CHU, AKA Paul Chu,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 08-50255

D.C. No. 2:01-cr-00720-DDP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Wai Leung Chu appeals pro se from the district court's denial of his motion to set a schedule of payment of restitution. At the time of Chu's motion, he was serving a sentence imposed in a case from a different district. The district court

* 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).

denied Chu's motion without prejudice and indicated that Chu could bring the matter to its attention during any revocation proceedings. Because the district court's dismissal order was not a final appealable order, *see Disabled Rights Action Comm. v. Las Vegas Events, Inc.*, 375 F.3d 861, 869-871 (9th Cir. 2004), we are not empowered to consider this appeal. *See id.* at 869-70.

DISMISSED.