

MAR 09 2012

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NOT FOR PUBLICATION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.

FLAGSTAR BANK,

Claimant - Appellant,

v.

APPROXIMATELY \$133,803.53 IN  
U.S. CURRENCY SEIZED FROM  
WASHINGTON MUTUAL BANK,  
Account # 440842802, held in the name of  
Advantage Financial Group Holdings  
Management LLC; APPROXIMATELY  
\$328,495.75 IN U.S. CURRENCY  
SEIZED FROM WASHINGTON  
MUTUAL BANK, Account #  
4412174338, held in the name of Loomis  
Wealth Solutions LLC,

Defendants.

No. 10-15458

D.C. No. 2:09-cv-00461-FCD-  
KJM

ORDER\*

Appeal from the United States District Court  
for the Eastern District of California

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

Frank C. Damrell, Senior District Judge, Presiding

Argued and Submitted April 11, 2011

Deferred April 12, 2011

Resubmitted March 2, 2012

San Francisco, California

Before: FERNANDEZ and RAWLINSON, Circuit Judges, and WELLS, Senior District Judge.\*\*

The United States' unopposed Request for Remand, filed on February 23, 2012, is GRANTED. The judgment in this case is vacated and this matter is remanded to the district court for reconsideration in light of *Wilson v. United States*, 659 F.3d 947 (9th Cir. 2011).

**VACATED AND REMANDED.**

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\*\* The Honorable Lesley Wells, Senior District Judge for the U.S. District Court for the Northern Ohio, sitting by designation.