

SEP 25 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NOT FOR PUBLICATION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.

RYAN FRANK BONNEAU,

Defendant - Appellant.

Nos. 11-30269

12-35298

D.C. Nos. 3:10-cr-00402-MO

3:12-cv-00173-MO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

In Appeal No. 12-35298, Ryan Frank Bonneau's request for a certificate of appealability is denied. *See* 28 U.S.C. § 2253(c)(2). All pending motions in that case, if any, are denied as moot.

* 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).

In Appeal No. 11-30269, Bonneau appeals from the district court's order denying his motion for return of property. We have jurisdiction under 28 U.S.C. § 1291. Because Bonneau's criminal proceedings have ended, we remand to the district court to determine what, if any, property Bonneau is entitled to have returned to him. *See* Fed. R. Crim. P. 41(g); *United States v. Kaczynski*, 416 F.3d 971, 974 (9th Cir. 2005).

In Appeal No. 12-35298 the request for a certificate of appealability is DENIED, and in Appeal No. 11-30269 the district court's order is VACATED and the case is REMANDED.