

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

FEB 28 2014

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

GENARO C. MARTINO,

Petitioner - Appellant,

v.

RENEE BAKER, Warden of the Ely State  
Prison and CATHERINE CORTEZ  
MASTO, Esquire, Attorney General,

Respondents - Appellees.

No. 10-16056

D.C. No. 3:02-cv-00544-LRH-  
RAM

ORDER\*

Appeal from the United States District Court  
for the District of Nevada  
Larry R. Hicks, District Judge, Presiding

Argued and Submitted February 14, 2013  
San Francisco, California

Before: REINHARDT and M. SMITH, Circuit Judges, and CARR, Senior District  
Judge.\*

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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 Honorable James G. Carr, Senior District Judge for the U.S.  
District Court for the Northern District of Ohio, sitting by designation.

Genaro Martino appealed the district court's denial of his petition for a writ of habeas corpus. On February 13, 2014, the Attorney General of the State of Nevada informed this court that Martino had died in prison on February 7, 2014. Due to Martino's death, we dismiss the appeal as moot. We remand the case to the district court with instructions to vacate all orders and dismiss the petition as moot.