

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. JERRY ARBERT POOL, <i>Defendant-Appellant.</i>

No. 09-10303
D.C. No.
2:09-cr-00015-
EJG-1
ORDER

Filed September 19, 2011

ORDER

Before: Alex Kozinski, Chief Judge, Harry Pregerson,
Pamela Ann Rymer, Susan P. Graber, William A Fletcher,
Richard A. Paez, Carlos T. Bea, Milan D. Smith, Jr.,
Sandra S. Ikuta, N. Randy Smith and Mary H. Murguia,
Circuit Judges.

ORDER

We have been advised that Pool has entered a guilty plea. The parties agree there is no longer a live controversy, and the case is moot. *See In re Pattullo*, 271 F.3d 898, 900 (9th Cir. 2001) (“If a case becomes moot while pending on appeal, it must be dismissed.”). Accordingly, we dismiss the appeal, vacate the panel’s opinion, vacate the district court’s and magistrate judge’s orders and remand with instructions to dismiss the action. *See United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950).

The oral argument set for September 20, 2011 in San Francisco, California is vacated.