

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,  
*Plaintiff-Appellant,*

v.

SELSO RANDY ORONA,  
*Defendant-Appellee.*

No. 17-17508

D.C. Nos.  
2:16-cv-02160-SRB  
2:11-cr-00856-SRB-1

ORDER

Filed February 18, 2021

Order

**COUNSEL**

Michael Bailey, United States Attorney; Krissa M. Lanham, Assistant United States Attorney; United States Attorney's Office, Phoenix, Arizona; for Plaintiff-Appellant.

Jon M. Sands, Federal Public Defender; Keith J. Hilzendege, Assistant Federal Public Defender; Office of the Federal Public Defender, Phoenix, Arizona; Jean-Claude André, Bryan Cave Leighton Paisner LLP, Santa Monica, California; for Defendant-Appellee.

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**ORDER**

THOMAS, Chief Judge:

This Court previously stayed en banc proceedings in this case pending the Supreme Court's issuance of a decision in *United States v. Borden*, 769 Fed. App'x 266 (6th Cir. 2019), cert. granted, No. 19-5410, 2020 WL 981806 (U.S. Mar. 2, 2020) (mem.). On January 28, 2021, the government informed this Court that defendant-appellee, Selso Randy Orona, passed away. Due to Orona's death, we dismiss this appeal and "remand this case to the district court for dismissal of the petition for a writ of habeas corpus as moot and for further proceedings as may be required, including the vacatur of any prior orders." *Stanley v. Ryan*, 716 F.3d 1272 (9th Cir. 2013).