

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

OCT 19 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

VIRGIL STEPHENS,

Petitioner - Appellant,

v.

CRAIG FARWELL, Warden; et al.,

Respondents - Appellees.

No. 06-15404

D.C. No. CV-03-00578-LRH

MEMORANDUM\*

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

Submitted September 24, 2007\*\*

Before: CANBY, TASHIMA and W. FLETCHER, Circuit Judges.

Virgil Stephens, a former Nevada state prisoner, appealed from the district court's judgment dismissing his 28 U.S.C. § 2254 petition. On July 16, 2007, this court received notice that Stephens has died. Accordingly, this petition is now

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

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

moot. *See Garceau v. Woodford*, 339 F.3d 1101 (9th Cir. 2005). This case is therefore remanded to the district court with instructions to dismiss the petition.

**REMANDED** with instructions.