

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 06 2008

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GUILLERMO GARCIA-AGUILAR,

Defendant - Appellant.

No. 06-50659

D.C. No. CR-06-00678-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Argued and Submitted October 17, 2007
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **McKEOWN**, Circuit Judge, and
JONES,** District Judge.

Defendant is challenging the district court's refusal to accept his guilty plea.

But that ruling can't be appealed directly because final judgment hasn't been

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

** The Honorable Robert E. Jones, Senior U.S. District Judge for the District of Oregon, sitting by designation.

entered against defendant. See 28 U.S.C. § 1291. In this situation, a petition for a writ of mandamus is the proper course. See In re Vasquez-Ramirez, 443 F.3d 692, 700-01 (9th Cir. 2006). This appeal is therefore dismissed.

DISMISSED.