

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 24 2008

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

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

GILBERTO HERNANDEZ-MEDINA,  
aka Gilberto Medina-Hernandez,

Defendant - Appellee.

No. 06-10645

D.C. No. CR-05-00154-RCC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Raner C. Collins, District Judge, Presiding

Submitted April 14, 2008\*\*  
San Francisco, California

Before: FERGUSON, TROTT, and THOMAS, Circuit Judges.

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

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

The United States appeals the district court's order dismissing the case and releasing Defendant Gilberto Hernandez-Medina. The government requests an order from this Court reversing the dismissal so that it may renew charges against Hernandez-Medina if he ever returns to the United States.

Because the district court's order does not bar future prosecution, the relief the government requests has already been granted. Therefore, we dismiss this appeal as moot. See United States v. Strong, 489 F.3d 1055, 1059 (9th Cir. 2007) (“An appeal is moot when, by virtue of an intervening event, a court of appeals cannot grant any effectual relief whatever in favor of the appellant.” (internal quotation marks omitted)).

**DISMISSED.**