

FILED

UNITED STATES COURT OF APPEALS

OCT 19 2016

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SONG JA CHA,

Defendant-Appellant.

No. 12-10486

D.C. No.

1:08-cr-00008-DDP-1

District of Guam,

Agana

ORDER

Before: W. FLETCHER, GOULD, and BYBEE, Circuit Judges.

The motion to dismiss the appeal due to the death of appellant (Docket Entry No. 87) is granted. This appeal is dismissed, and the case is remanded to the district court with instructions to vacate the judgment and to dismiss the indictment. *See United States v. Oberlin*, 718 F.2d 894, 895 (9th Cir. 1983). On remand, the district court shall not disturb the fees and restitution payments that have already been paid. *See United States v. Rich*, 603 F.3d 722, 724 n.3 (9th Cir. 2010) (“[F]ines already paid need not be refunded because they are the equivalent of time-served.”).

DISMISSED AND REMANDED.

AC/MOATT