

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 30 2019

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

WINSTON SHROUT,

Defendant-Appellant.

No. 18-30228

D.C. No. 3:15-cr-00438-JO-1
District of Oregon,
Portland

ORDER

Before: LEAVY, CALLAHAN, and BEA, Circuit Judges.

Appellee has informed this court that appellant is a fugitive and that there is an outstanding warrant for appellant's arrest. We exercise our discretion pursuant to the fugitive disentitlement doctrine and grant appellee's motion to dismiss the appeal (Docket Entry No. 25). *See Molinaro v. New Jersey*, 396 U.S. 365, 366 (1970) (holding that a fugitive criminal defendant is not entitled to call upon the resources of the court for determination of his claims); *Parretti v. United States*, 143 F.3d 508 (9th Cir. 1998) (en banc); *United States v. Freelove*, 816 F.2d 479 (9th Cir. 1987).

This appeal is dismissed with prejudice subject to the following qualification: if appellant surrenders to authorities within 42 days after the filing date of this order, appellant may move for reinstatement of this appeal. *See Freelove*, 816 F.2d at 480.

DISMISSED.