

# APPENDIX A

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 19 2018

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THANH CONG PHAN,

Defendant,

v.

STAN J. CATERBONE,

Movant - Appellant.

No. 18-30181

D.C. No. 2:18-cr-00086-JCC-1

U.S. District Court for Western  
Washington, Seattle

**ORDER**

A review of the docket demonstrates that appellant has failed to respond to the October 12, 2018 order of this court.

Pursuant to Ninth Circuit Rule 42-1, this appeal is dismissed for failure to prosecute.

This order served on the district court shall, 21 days after the date of the order, act as the mandate of this court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Cyntharee K. Powells  
Deputy Clerk  
Ninth Circuit Rule 27-7

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D.C. No.  
2:18-cr-00086-JCC-1

Western District of Washington,  
Seattle

ORDER

Before: LEAVY, BYBEE, and HURWITZ, Circuit Judges.

Appellant's motion to reconsider the November 19, 2018 Clerk order and response to the October 12, 2018 order to show cause are construed together as a motion to reinstate this appeal. So construed, the motion to reinstate the appeal (Docket Entry Nos. 7, 8) is denied.

All other pending motions are denied as moot.

This case remains closed.

No further filings will be entertained.

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 THANH CONG PHAN,

14 Defendant.

CASE NO. CR18-0086-JCC

MINUTE ORDER DENYING  
MOTION FOR  
RECONSIDERATION

15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Stanley J. Caterbone's motion for reconsideration  
18 (Dkt. No. 34). Mr. Caterbone moves the Court to reconsider its previous order denying him leave  
19 to file an amicus curia brief. (Dkt. No. 33.) "Motions for reconsideration are disfavored." W.D.  
20 Wash. Local Civ. R. 7(h)(1). "The court will ordinarily deny such motions in the absence of a  
21 showing of manifest error in the prior ruling or a showing of new facts or legal authority which  
22 could not have been brought to its attention earlier with reasonable diligence." *Id.* Mr. Caterbone  
23 has not met this standard. His motion for reconsideration (Dkt. No. 34) is DENIED. The Clerk is  
24 DIRECTED to send a copy of this order to proposed amici at 1250 Fremont St., Lancaster, PA  
25 17603.

26 //

1 DATED this 6th day of August 2018.

2 William M. McCool  
3 Clerk of Court

4 /s/Tomas Hernandez  
5 Deputy Clerk

**Additional material  
from this filing is  
available in the  
Clerk's Office.**