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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FABIAN VAKSMAN,

Defendant - Appellant.

No. 11-30240

D.C. No. 2:11-cr-00074-WFN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, District Judge, Presiding

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Fabian Vaksman appeals from the district court's order denying his motion for dental services. We dismiss the appeal as moot.

Vaksman seeks an order requiring the United States Marshals Service to pay

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

for dental services for him. In light of Vaksman's subsequent transfer to Bureau of Prisons' custody, the appeal is dismissed as moot. *See County of Los Angeles v. Davis*, 440 U.S. 625, 631 (1979) (once a party is shown to lack a "legally cognizable interest in the outcome" of the adversary proceeding, the action is moot).

DISMISSED.