

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 21 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-30057

Plaintiff-Appellee,

D.C. No.

v.

2:13-cr-00322-RAJ-1

LEWIS DEAN ARMSTRONG,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Washington
Richard A. Jones, District Judge, Presiding

Argued and Submitted March 4, 2019
Seattle, Washington

Before: GOULD and PAEZ, Circuit Judges, and BASHANT,** District Judge.

Lewis Dean Armstrong appeals the district court's finding that he is incompetent to continue with post-conviction proceedings. This court remanded for a competency determination after the government made an offer to Armstrong to resolve the parties' cross-appeals of his conviction and sentence under 18 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Cynthia A. Bashant, United States District Judge for the Southern District of California, sitting by designation.

§ 2241(c). Since the district court made its incompetency finding, however, the parties stipulate that the government has withdrawn its offer. We conclude this appeal is now moot because the offer has been withdrawn. Accordingly, we dismiss this appeal and lift the stay on the parties' related appeals in Nos. 15-30178, 15-30215, and 16-30208.

All pending motions are denied as moot.

DISMISSED.