

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 1 2023

FOR THE NINTH CIRCUIT

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

RANDALL MENGES,

Plaintiff-Appellee,

v.

AUSTIN KNUDSEN, Attorney General for
the State of Montana; et al.,

Defendants-Appellants.

No. 21-35370

D.C. No. 9:20-cv-00178-DLC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, District Judge, Presiding

Argued and Submitted May 11, 2022
Submission Vacated August 8, 2022
Resubmitted February 27, 2023
Portland, Oregon

Before: BERZON, TALLMAN, and CHRISTEN, Circuit Judges.

In light of Plaintiff Menges' settlement agreement with the State of Idaho, the Montana Attorney General requests that we dismiss this appeal as moot and vacate the district court's judgment. The Attorney General represents that because Menges is no longer required to register in Idaho, Montana will no longer require

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

him to register pursuant to Mont. Code Ann. § 46-23-502(9)(b). We construe the Montana Attorney General's representation as legally binding and, on that basis, dismiss the appeal as moot. We decline to vacate the district court's opinion. *See U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18, 24–25, 29 (1994).

DISMISSED as moot. The parties shall each bear their own costs.