

The government relies on *United States v. Thuan Huy Ha*, 390 Fed.Appx. 649 (9th Cir. 2010), and *United States v. Bush*, 626 F.3d 527 (9th Cir. 2010), for the proposition that a merger problem does not exist if the money laundering convictions involve transactions that are distinct from the underlying mail fraud convictions. The cases do not support the government's argument because the money laundering convictions in those cases concerned payments that the pyramid scheme operators made to themselves. In this case, the payments were made to investors to perpetuate the fraudulent conduct.

Petitioner argues that the case should not be remanded for resentencing. This argument lacks merit. When a defendant successfully challenges one or more of several interdependent convictions, he opens the door for the sentencing court to revisit the entire sentence and resentence him on the unchallenged convictions. *United States v. Benbrook*, 119 F.3d 338, 340 (5th Cir. 1997).

ORDER

Accordingly, the objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this 15th day of September, 2011.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE