

FILED
Clerk
District Court

APR 28 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

- For Publication on Court's Web Site -

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)

Plaintiff)

v.)

WANG, Yang, also known as)
"Mafia,")

Defendant)

Criminal Case No. 03-00002

ORDER DENYING PLAINTIFF'S
MOTION FOR A REDUCTION
IN SENTENCE BASED UPON
"SUBSTANTIAL ASSISTANCE"
RENDERED BY THIRD PARTY
and TAKING MATTER OFF-
CALENDAR

THIS MATTER came before the court on plaintiff's motion to reduce defendant's sentence based upon substantial assistance rendered to the government by a third party; *i.e.* defendant's girlfriend. In the interests of conserving the resources of the court and the parties, the court denies the motion without a hearing.

1 Defendant presently has an appeal pending at the U.S. Court of Appeals
2 for the Ninth Circuit. Accordingly, this court lacks jurisdiction to consider this
3
4 Fed.R.Crim.P. 35(b)(2) motion. *See e.g. United States v. Burns*, 446 F.2d 896 (9th
5 Cir. 1971); *United States v. Distasio*, 820 F.2d 20, 23 (1st Cir. 1987) (“The circuit
6
7 courts have uniformly acknowledged that the sentencing court is without
8
9 jurisdiction to rule on a motion for reduction of sentence once a Notice of
10 Appeal has been docketed.”)

11 The motion having been denied, the hearing set for Friday, April 29, 2005,
12
13 is hereby taken off-calendar.

14 IT IS SO ORDERED.

15 Dated this 28th day of April, 2005.
16
17

18
19 
20 ALEX R. MUNSON
21 Judge
22
23
24
25
26