

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

98-4374-HH

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
FEB 20 2001
THOMAS K. KAHN
CLERK

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BLADIMIR DEVILA,
AVERY LIGHTBORNE,
ET AL.,

Defendants-Appellants.

On Appeal from the United States District Court for the
Southern District of Florida

BEFORE: HILL, COX, and MESKILL*, Circuit Judges.

BY THE COURT:

The Court DISMISSES the appeal as to Appellant Rauldino Rivera upon the suggestion of death filed by his counsel. The Court VACATES the judgment of conviction below as to Appellant Rivera and REMANDS Appellant Rivera's case to the District Court with instructions to dismiss the indictment against him. See U.S. v. Schumann, 861 F.2d 1234 (11th Cir. 1988). On its own motion, the Court VACATES its June 27, 2000, opinion as to Appellant Rivera. The appeals of the remaining Appellants shall be unaffected by this order.

* The Honorable Thomas J. Meskill, U.S. Circuit Judge for the Second Circuit, sitting by designation.

The Clerk is directed to PUBLISH this order.