

FILED

UNITED STATES COURT OF APPEALS

JUL 27 2009

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL S. CARONA,

Defendant - Appellant.

No. 09-50235

D.C. No. 8:06-cr-00224-AG-2
Central District of California,
Santa Ana

ORDER

Before: CANBY, THOMAS and IKUTA, Circuit Judges.

Appellant's motion for bail pending appeal is granted. The parties agree that appellant is not likely to flee or to pose a danger to the safety of any other person or the community if released. Appellant has shown that the appeal raises a "substantial question" of law or fact that is likely to result in reversal, an order for a new trial, or a sentence that does not include a term of imprisonment, on all counts on which imprisonment has been imposed. *See* 18 U.S.C. § 3143(b); *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985).

The matter is remanded to the district court for the limited purpose of establishing appropriate conditions of release.

The briefing schedule established previously shall remain in effect.