

**APPENDIX A**

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

UNITED STATES OF  
AMERICA,  
*Appellee,*

v.

15-2597

TOM ALEXANDER  
WILLIAM HAYES, AKA  
SEALED DEFENDANT 1,  
*Defendant,*

S.D.N.Y. No.  
12-MJ-3229

ROGER DARIN, AKA  
SEALED DEFENDANT 2,  
*Defendant-Appellant.*

IN RE ROGER DARIN,  
*Petitioner.*

15-3896

Appeal from the United States District Court  
for the Southern District of New York  
Paul A. Crotty, District Judge, Presiding

Filed: March 15, 2016

2a

Before: Rosemary S. Pooler, Richard C. Wesley,  
Circuit Judges; Richard K. Eaton,\* Judge.

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\* Judge Richard K. Eaton, of the United States Court of International Trade, sitting by designation.

In 15-2597, the Government moves to dismiss the appeal for lack of appellate jurisdiction, and, under 15-3896, Roger Darin petitions for a writ of mandamus. Upon due consideration, it is hereby ORDERED that the Government's motion to dismiss is granted because the district court's order is not immediately appealable. *See Midland Asphalt Corp. v. United States*, 489 U.S. 794, 798 (1989). It is further ORDERED that the mandamus petition is DENIED because Darin has not demonstrated that exceptional circumstances warrant the requested relief. *See In re City of New York*, 607 F.3d 923, 932 (2d Cir. 2010).

FOR THE COURT:

s/ Catherine O'Hagan Wolfe  
Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals  
Second Circuit