

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 20 2023

FOR THE NINTH CIRCUIT

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

ALLEN B. FLORES,

No. 21-71275

Petitioner,

BRB No. 21-0356

v.

MEMORANDUM\*

PACIFIC CRANE MAINTENANCE  
COMPANY; DIRECTOR, OFFICE OF  
WORKERS' COMPENSATION  
PROGRAMS,

Respondents.

On Petition for Review of an Order of the  
Benefits Review Board

Submitted January 18, 2023\*\*  
San Francisco, California

Before: HAWKINS, S.R. THOMAS, and McKEOWN, Circuit Judges.

Allen B. Flores seeks review of the Benefit Review Board's (BRB) order affirming an Administrative Law Judge's (ALJ) decision to refrain from

---

\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

considering Flores's request for modification of the ALJ's separate order denying Flores's claim for benefits. The ALJ suspended action on Flores's motion for modification while his appeal was pending before us. The BRB explained that "the OALJ will address Claimant's motion for modification once the Ninth Circuit issues a decision on Claimant's appeal." In light of our denial of Flores's claim for benefits, the case returns to the OALJ and this related action is now moot.

**PETITION DISMISSED.<sup>1</sup>**

---

<sup>1</sup> Pacific Crane Maintenance Company's opposed motion requesting permission to file an objection (Docket Entry No. 15) is denied.