

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of October, two thousand twenty-five.

PRESENT:

DENNIS JACOBS,
SUSAN L. CARNEY,
WILLIAM J. NARDINI,
Circuit Judges.

IN RE: ICONIX INTERNATIONAL INC.,

Petitioner.

No. 24-1433

ICONIX INTERNATIONAL INC.

Petitioner,

v.

NEIL COLE, AKA SEALED DEFENDANT 1,

Respondent.

FOR PETITIONER:

CHRISTOPHER J. GUNTHER (David M. Zornow, *on the brief*), Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY.

FOR RESPONDENT:

DANIEL O'NEILL (Alexandra A.E. Shapiro, *on the brief*), Shapiro Arato Bach LLP, New York, NY.

Petition for writ of mandamus challenging the denial of Petitioner's claim for restitution under the Crime Victims' Rights Act by the United States District Court for the Southern District of New York (Ramos, J.).

UPON DUE CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED the petition is DISMISSED as moot.

Proceeding under the Crime Victims' Rights Act ("CVRA"), 18 U.S.C. § 3771(d)(7), Petitioner Iconix International Inc. ("Iconix") seeks a writ of mandamus vacating the District Court's denial of its restitution claim against Respondent Neil Cole. Iconix argues that the District Court improperly determined that it was not a "victim" within the meaning of the CVRA and erroneously denied it restitution at Cole's sentencing.

We heard this petition in tandem with *United States v. Cole*, No. 23-7566, Cole's challenge to his criminal conviction, which is being resolved in a separate opinion filed concurrently with this summary order. In *Cole*, we vacate Cole's judgment of conviction and remand with instructions to the District Court to dismiss the Indictment.

In light of our disposition of the criminal appeal, we **DISMISS** the petition as moot.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court