Opinion of Souter, J.

SUPREME COURT OF THE UNITED STATES

No. 06-1204

REPUBLIC OF THE PHILIPPINES, ET AL., PETI-TIONERS v. JERRY S. PIMENTEL, TEMPORARY ADMINISTRATOR OF THE ESTATE OF MARIANO J. PIMENTEL, DECEASED, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 12, 2008]

JUSTICE SOUTER, concurring in part and dissenting in part.

I join all but Parts IV-B and V of the Court's opinion. I differ as to relief because a conclusion of the matter pending before the Sandiganbayan may simplify the issues raised in this case and render one disposition or another more clearly correct. I would therefore vacate the judgment and remand for a stay of proceedings for a reasonable time to await a decree of the Philippine court. If it should appear later that no such decree can be expected, the Court of Appeals could decide on the next step in light of the Court's opinion. For reasons given by JUSTICE STEVENS, I would order that any further proceedings in the District Court be held before a judge fresh to the case.