

December 9, 2008

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES CAPADONA,

Defendant - Appellant.

No. 08-1251  
(D.C. Nos. 1:08-CV-00982-EWN  
and 1:98-CR-00432-EWN-1)

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**ORDER**

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The captioned appeal is dismissed for lack of prosecution pursuant to 10th Cir.

R. 42.1.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk