

September 9, 2008

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

ESTEVAN FLORES, a/k/a Alejandro  
Gaspar Cardenas,

Petitioner - Appellant,

v.

JAMES JANECKA; ATTORNEY  
GENERAL FOR THE STATE OF NEW  
MEXICO,

Respondents - Appellees.

No. 08-2028  
(D.C. No. 2:06-CV-01237-RB-LCS)

ORDER

On August 12, 2008, the court wrote a letter to appellant directing him to file his opening brief and application for certificate of appealability within 10 days of the date of the letter or the appeal would be dismissed without further notice. To date, appellant has not file the documents.

Accordingly, this appeal is dismissed for failure to prosecute. See 10th Cir. R.

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

Entered for the Court



ELISABETH A. SHUMAKER, Clerk