

April 30, 2008

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

TIM GRAVES,

Plaintiff - Appellant,

v.

ALBUQUERQUE POLICE
DEPARTMENT, of the City of
Albuquerque, NM; A.P.D.,
WESTSIDE NARCOTICS DIVISION,
of the City of Albuquerque, NM; L.
TOWNSEND, A.P.D. Narcotic
Detective; J. M. WHISONANT,
A.P.D. Narcotic Detective; JOHN
DOE, I; JOHN DOE, II,

Defendants - Appellees.

No. 08-2086
(D.C. No. 1:08-CV-00088-JB/LFG)

ORDER

This matter comes on for consideration of the plaintiff’s pleading entitled “Repealing Appeal to USCA - Tenth Circuit.” The district court entered an order on April 3, 2008 setting aside its earlier order dismissing the case.

Accordingly, the plaintiff's pleading is construed as a voluntary motion to dismiss and this appeal is dismissed pursuant to Fed. R. App. P. 42(b).

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney