

**UNITED STATES COURT OF APPEALS** September 4, 2008

**FOR THE TENTH CIRCUIT**

**Elisabeth A. Shumaker  
Clerk of Court**

F. KENNETH EICHWALD, as next  
friend of Isaiah Eichwald, a Minor,

Plaintiff - Appellant,

v.

JACK GRIFFITH, individually and in his  
Official Capacity as Principal of Cuba  
High School, Cuba Independent Schools;  
DALE HOOPER, individually and in his  
Official Capacity as Football Coach, Cuba  
High School, Cuba Independent Schools;  
PAT GALLEGOS, in his Official  
Capacity as Chairman of the Cuba  
Independent Schools Board of Education,

Defendants - Appellees.

No. 08-2196  
(1:07-CV-00784-JCH-WDS)  
(D. N.M.)

**ORDER**

Appellant's "Withdrawal of Notice of Appeal" is construed as a motion for  
voluntary dismissal pursuant to Fed. R. App. P. 42(b) and, as such, is granted. This  
appeal is dismissed. The mandate shall issue forthwith.

Entered for the Court  
ELISABETH A. SHUMAKER  
Clerk of Court



by:  
Douglas E. Cressler  
Chief Deputy Clerk