

**UNITED STATES COURT OF APPEALS October 6, 2008**

**FOR THE TENTH CIRCUIT**

**Elisabeth A. Shumaker  
Clerk of Court**

COMMODITY FUTURES TRADING  
COMMISSION; STATE OF UTAH,

Plaintiffs,

v.

4NEXCHANGE, a Utah limited liability  
company; PAUL R. GRANT; RONALD  
K. BASSETT,

Defendants - Appellees,

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JONATHAN LEE RICHES,

Movant - Appellant.

No. 08-4155  
(D.C. No. 2:02-CV-00432-DAK)

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**ORDER**

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As provided in the court's order of September 8, 2008, this appeal is dismissed pursuant to Tenth Cir. R. 42.1 for failure to prosecute. Appellant may not seek rehearing of this order. Reinstatement may be requested, although the request may be denied, only

by compliance with Tenth Cir. R. 42.2. The mandate shall issue forthwith.

Entered for the Court  
ELISABETH A. SHUMAKER  
Clerk of Court

A handwritten signature in black ink, appearing to read "Douglas E. Cressler".

by:  
Douglas E. Cressler  
Chief Deputy Clerk