

October 23, 2008

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Respondent - Appellee,

v.

JASON DEANDRE FENNELL, JR.,

Petitioner - Appellant.

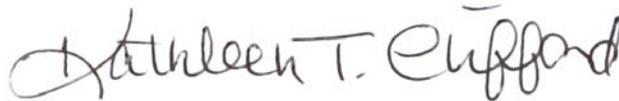
No. 08-5140
(D.C. No. 4:07-CV-700-HDC-FHM)
(N. D. Oklahoma)

ORDER

This appeal is before the court based on a letter received from Appellant-Defendant Jason Fennell on October 22, 2008 in which Appellant states he does not wish to proceed with this appeal. The court construes this letter as a motion under Fed. R. App. P. 42(b) to voluntarily dismiss the appeal.

Upon consideration, Appellant-Defendant's motion to voluntarily dismiss is **GRANTED**. The appeal is **DISMISSED**. The mandate shall issue forthwith.

Entered for the Court
Elisabeth A. Shumaker, Clerk



Kathleen T. Clifford
Attorney - Deputy Clerk