

December 10, 2009

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

ESTATE OF ELIAS SANTISTEVAN,  
by Chanell Santistevan as Personal  
Representative, ESTATE OF DEION  
SANTISTEVAN, by Chanell  
Santistevan as Personal  
Representative; CHANELL  
SANTISTEVAN, Individually,

Plaintiffs - Appellants,

v.

THE CITY AND COUNTY OF  
DENVER, COLORADO, GERALD R.  
WHITMAN, in his individual capacity  
and in his official capacity as Chief of  
Police: John Does 1-30; Members of  
the S.W.A.T. Unit; Law Enforcement  
Officer, and Detectives Employed by  
the Denver Police Department, each in  
his or her individual and official  
capacity,

Defendants - Appellees.

No. 09-1461

(D.C. No. 1:08-CV-01669-REB-MJW)

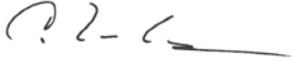
ORDER

The appellant has filed a "Motion to Dismiss Appeal." No objection to the motion has been filed by any of the appellees. *See* this court's order of November 23, 2009.

Therefore, appellant's motion (construed as a motion for voluntary dismissal pursuant to Fed. R. App. P. 42 (b)) is granted and this appeal is dismissed, with each party to bear its own costs.

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

Entered for the Court  
ELISABETH SHUMAKER, Clerk of Court

by:   
Christine Van Coney  
Counsel to the Clerk