

January 5, 2010

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
Elisabeth A. Shumaker
Clerk of Court

VINCENT EUGENE WELLS,

Plaintiff - Appellant,

v.

BEVERLY DOWIS, Health Supervisor
Administrator, Sterling Correctional
Facility, Colorado Department of
Corrections, in Her Official and Individual
Capacities; CHERYL SMITH, Colorado
Department of Corrections Clinical
Director, in Her Official and Individual
Capacities; PHYSICIAN HEALTH
PARTNERS, Colorado Department of
Corrections Insurer, Consultants, and
Providers, in Official and Individual
Capacities; JO ANNE STOCK,
Physicians Assistant, Colorado
Department of Corrections, Sterling
Correctional Facility, in Her Official
Capacity; JOSEPH FORTUNATO,
Physician, Colorado Department of
Corrections, Sterling Correctional
Facility, in His Official and Individual
Capacities; BARRY GOLDSMITH,
Physician (M.D.), Colorado Department
of Corrections, Sterling Correctional
Facility, in His Official and Individual
Capacities,

Defendants - Appellees.

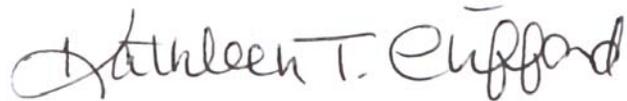
No. 09-1542
(D.C. No. 1:09-CV-02402-ZLW)

ORDER

This appeal is before the court based on a motion by Appellant-Plaintiff Vincent Eugene Wells “voluntarily dismissing appeal.” The court construes Appellant Wells’ motion as one under Fed. R. App. P. 42(b).

Upon consideration, the motion to voluntarily dismiss is **GRANTED**. The appeal is **DISMISSED**. The mandate shall issue forthwith.

Entered for the Court
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink that reads "Kathleen T. Clifford". The signature is written in a cursive, flowing style.

Kathleen T. Clifford
Attorney - Deputy Clerk