

February 11, 2009

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

SAMMY LEROY MCMURRAY,

Plaintiff - Appellant,

v.

TONYA GILLESPIE,

Defendant - Appellee.

No. 09-2017
(D.C. No. 1:08-CV-01064-MV-CG)

ORDER

Appellant has failed to file any document responsive to the court's January 23, 2009 order; accordingly, this case is dismissed for failure to prosecute. See 10th Cir. R. 3.3(B) and 10th Cir. R. 42.1. A copy of this order shall serve as the mandate of the court.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk