

March 22, 2010

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

RONALD CHARLES HESS,

Petitioner - Appellant,

v.

MIKE MULLIN, Warden,

Respondent - Appellee.

No. 09-5176
(D.C. No. 4:09-CV-00257-GKF-TLW)

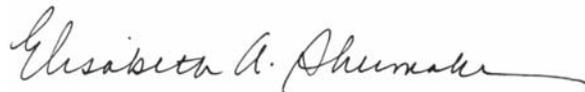
ORDER

Before **TACHA, BRISCOE, and O'BRIEN**, Circuit Judges.

This matter is before the court on appellant's "Motion to Withdrawal (sic)," which is construed as a motion to dismiss. As construed, the motion is granted pursuant to Fed. R. App. P. 42 (b). A copy of this order shall stand as and for the mandate of the court.

Entered for the Court

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ELISABETH A. SHUMAKER, Clerk