

UNITED STATES COURT OF APPEALS

January 12, 2012

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

ROBERT A. WARREN,

Defendant – Appellant.

No. 11-2053
(D.C. No. 1:09-CR-02059-BB-1)

ORDER

Before **GORSUCH, HOLLOWAY** and **MATHESON**, Circuit Judges.

The court now recalls the mandate, vacates the order of dismissal entered January 11, 2012, and directs as follows. The “Joint Motion to Dismiss Appeal” is granted. The court remands this case to the United States District Court for the District of New Mexico with instructions to vacate the judgment of conviction and to dismiss the underlying indictment, due to the death of defendant-appellant, Robert A. Warren. This appeal is dismissed. The mandate shall be reissued with the filing of this order.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by:
Douglas E. Cressler,
Chief Deputy Clerk