

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

July 11, 2012

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

PATTERSON-UTI DRILLING COMPANY,
LLC, f/k/a Patterson-UTI Drilling Company,
LP, LLLP,

Plaintiff - Appellee,

v.

No. 12-4103
(D.C. No. 2:09-CV-01045-DB)

TRI-STATE TRUCKING, LLC,

Defendant - Cross - Claimant -
Cross - Defendant - Appellant,

SUNLAND CONSTRUCTION, INC.; MB
CONSTRUCTION SERVICES, INC.,

Defendants - Cross - Claimant -
Cross - Defendants,

MIKE BRADY CORPORATION,

Defendant - Cross - Claim -
Defendant.

ORDER

This matter is before the court on Appellee’s Motion to Dismiss Appeal (the “Motion to Dismiss”). Pursuant to this court’s direction, Appellant filed a response. Appellant concurs with the argument presented in the Motion to Dismiss and suggests that this court dismiss the appeal.

Upon consideration, we now consider the Motion to Dismiss to be unopposed.

Therefore, the Motion to Dismiss is granted.

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

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith
Counsel to the Clerk