

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 10, 2014

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

CLAUD R. KOERBER,
a/k/a Rick Koerber,

Defendant - Appellee.

No. 13-4133
(D.C. No. 2:09-CR-00302-CW-EJF-1)

ORDER

Before **BRISCOE**, Chief Judge, **O'BRIEN** and **TYMKOVICH**, Circuit Judges.

This matter comes on for consideration of the government's voluntary motion to dismiss, the defendant's response, and the government's reply. Upon consideration thereof, the motion to dismiss is **GRANTED** and the defendant's counter motion in which he seeks sanctions against the government is **DENIED**.

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

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Ellen Rich Reiter
Jurisdictional Attorney