

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

February 14, 2014

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID WAYNE HEATH,

Defendant - Appellant.

No. 13-6268 & 13-6271
(D.C. No. 5:13-CR-00102-D-1 & D.C. No.
5:13-CR-00154-D-1)

ORDER

These matters are before the court on Appellant's Motion to Withdraw Appeal as Improvidently filed. The court construes the motion as one made pursuant to Fed. R. App. P. 42(b) and 10th Cir. R. 46.3(B). So construed and upon consideration, the motion is granted. The above-caption appeals are dismissed. All pending motions are denied as moot.

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

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Jane K. Castro
Counsel to the Clerk