

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 7, 2016

Elisabeth A. Shumaker  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellant/Cross-Appellee,

v.

WILLIAM ELAM BARBER,

Defendant - Appellee/Cross-  
Appellant.

Nos. 16-3152 & 16-3170  
(D.C. No. 5:15-CR-40043-CM-JPO-1)  
(D. Kan.)

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**ORDER**

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These matters are before the court on Cross-Appellant William Elam Barber's *Motion to Dismiss Appeal*. Mr. Barber moves, pursuant to Fed. R. App. P. 42(b) and 10th Cir. R. 46.3(B), to dismiss his cross-appeal No. 16-3170.

Upon consideration, the motion to dismiss is granted. Appeal No. 16-3170 is dismissed. A copy of this order shall stand as and for the mandate of the court as to No. 16-3170 only.

The tolling of briefing in No. 16-3152 is lifted. The deadline for the United States to file its opening brief and appendix will be scheduled in accordance with the court's rules once the district court notifies this court and the parties that the record is complete.

Fed. R. App. P. 31(a); 10th Cir. R. 31.1(A)(1).

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Counsel to the Clerk