

UNITED STATES COURT OF APPEALS

July 24, 2008

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

DARRELL FORTNER and JENNIFFER
FORTNER, d/b/a Diamond/Dundee Tree
Service,

Plaintiffs - Appellants,

v.

UNITED STATES OF AMERICA; ATF;
SARAH PELTON, individually and in her
official capacity as ATF agent, et al.; ATF
AGENTS DOG 1, CAT 2, AND HORSE
3; THE CITY OF COLORADO
SPRINGS; COUNTY OF EL PASO,
COLO.; MAYOR LIONEL RIVERA,
individually and in his official capacity as
Mayor of C/S; KATHRYN YOUNG,
individually and in her official capacity as
City Clerk of C/S; DARREL PEARSON,
individually and in his official capacity
as City Forrester of C/S; COUNTY OF
EL PASO HOUND 4 & 5, individually
and in their official capacity as El Paso
County employees; JAMES A. CHOATE,
individually and in his official capacity as
Sergeant for El Paso County Sheriff's
Office; TERRY MAKETA, individually
and in his official capacity as Asst. City
Attorney for the City of Colorado Springs,
CO; JIM MCGANAS, individually and in
his official capacity as City Forrester for
the City of Colorado Springs, CO; STATE
OF COLORADO, a state within the
United States; JAMES S. RUSSELL,
individually and in his official capacity as
Asst. U.S. Attorney,

Defendants - Appellees.

No. 08-1142

(D.C. No. 1:06-CV-02148-LTB-BNB)

ORDER

The captioned appeal is dismissed for lack of prosecution pursuant to 10th Cir.
R. 42.1.

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

Entered for the Court

A handwritten signature in black ink, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk