

June 24, 2009

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUITElisabeth A. Shumaker
Clerk of Court

In re:

PAUL A. MITCHELL, M.D.,

Petitioner.No. 09-1221
(D.C. No. 1:07-CV-01479-BNB-MJW)
(D. Colo.)

ORDER

Before **TACHA, BRISCOE**, and **GORSUCH**, Circuit Judges.

Paul A. Mitchell, M.D., has submitted mandamus filings asking for an order directing the district court to take action in compliance with this court's remand instructions in *Mitchell v. Rocky Mountain Cancer Center, LLP*, 315 F. App'x 725 (10th Cir. 2009). He also requests recusal of the presiding magistrate judge for failure to address the remanded issue. A review of the district court docket demonstrates that the magistrate judge has been proceeding in Dr. Mitchell's case.

Because Dr. Mitchell has received the relief sought, his petition for a writ

of mandamus is DISMISSED as moot. Dr. Mitchell's motion to proceed without prepayment of costs or fees is GRANTED.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk