

FOR THE TENTH CIRCUIT

October 6, 2010

Elisabeth A. Shumaker  
Clerk of Court

YALE PRESTON,

Plaintiff-Counter-Defendant -  
Appellant,

v.

MARATHON OIL COMPANY, a Texas  
corporation and its parents and  
subsidiaries; THOMAS SMITH, a  
resident of Colorado,

Defendant-Counter-Claimants -  
Appellees.

No. 10-8083  
(D.C. No. 2:08-CV-00239-ABJ)

**ORDER**

Through clerical inadvertence, the notice of appeal and a preliminary record filed in connection with Preston v. Marathon Oil Company, 08-CV-239 (D. Wyo) were transmitted to this court and this appeal was opened. The appeal was intended for the U.S. Court of Appeals for the Federal Circuit.

We accordingly administratively close this appeal without prejudice to the parties to continue the appeal in the appropriate circuit court.

Entered for the Court  
ELISABETH A. SHUMAKER  
Clerk of Court



by:  
Douglas E. Cressler  
Chief Deputy Clerk