

UNITED STATES COURT OF APPEALS

February 29, 2012

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

CECIL BYNUM,

Petitioner - Appellant,

v.

WARDEN MILYARD; KAREN P.
ADKISSON; THE ATTORNEY
GENERAL OF THE STATE OF
COLORADO,

Respondents - Appellees.

No. 12-1038
(D.C. No. 1:10-CV-02916-WYD)

ORDER

This matter is before the court on Appellant's Motion to Dismiss Without Prejudice (the "Motion"). The Motion is granted, as provided below. *See* Fed. R. App. P. 42(b).

This circuit does not recognize dismissals "without prejudice." Thus, the dismissal of this particular appeal is "with prejudice," as that term is commonly used by district courts. If Appellant appeals from a subsequent district court order or judgment, a new appeal with a new case number will be opened at that time.

Finally, we decline to address Appellant's legal questions at the end of the Motion.

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

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk