

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**October 31, 2017**

**Elisabeth A. Shumaker  
Clerk of Court**

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GARY SERVAES ENTERPRISES,

Petitioner,

v.

SHAWN HIRT; FEDERAL MINE  
SAFETY AND HEALTH REVIEW  
COMMISSION,

Respondents.

No. 16-9552  
(MSHR No. CENT 2015 0598-DM RM  
MD 15-13)  
(Federal Mine Safety and Health Review  
Commission)

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**ORDER**

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This matter is before the court on the Notice of Withdrawal of Petition for Review and Motion to Dismiss. The petitioner seeks to dismiss this petition for review voluntarily. We directed the respondents to respond to the petitioner's motion. Only the agency filed a response, stating that it now consents to dismissal of the petition. The pro se individual respondent did not file a response, and the time within which to do so has expired.

Upon consideration, and in light of the lack of opposition from the respondents, the petitioner's motion to dismiss this matter is granted. *See* Fed. R. App. P. Rule 42(b); 10th Cir. R. 27.4(A)(9).

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

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Lara Smith". The signature is written in a cursive, flowing style.

by: Lara Smith  
Counsel to the Clerk