

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 28, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellant/Cross-
Appellee,

v.

JONATHAN ALEXANDER MORALES-
LOPEZ,

Defendant - Appellee/Cross-
Appellant.

Nos. 22-4074 & 22-4076
(D.C. No. 2:20-CR-00027-JNP-1)
(D. Utah)

ORDER

This matter is before the court on Defendant Jonathan Alexander Morales-Lopez's *Motion to Dismiss Cross-Appeal* filed in appeal no. 22-4076.

Counsel for Mr. Morales-Lopez moves to voluntarily dismiss appeal no. 22-4076 asserting that resolution of the government's appeal, no. 22-4074, likely controls outcomes, thus effectively making moot any potential issue Mr. Morales-Lopez might have appealed. Counsel believes that Mr. Morales-Lopez has been deported and counsel has no way to contact Mr. Morales-Lopez. *Cf.* 10th Cir. R. 42.3 (counsel must explain inability to obtain signed statement from Defendant-Appellant). The government does not oppose the motion for voluntary dismissal of appeal no. 22-4076.

Upon consideration, the court grants the motion for voluntary dismissal of appeal no. 22-4076 only and dismisses this appeal. See Fed. R. App. P. 42(b); 10th Cir. R. 27.5(A)(9).

A copy of this order shall stand as and for the mandate of the court in appeal no. 22-4076 only.

The cross-appeal briefing schedule is hereby vacated, and further briefing as to appeal no. 22-4076 shall proceed as follows.

Mr. Morales-Lopez shall file a corrected response brief for appeal no. 22-4074 that includes a list of prior or related appeals per 10th Cir. R. 28.2(C)(3). Mr. Morales-Lopez's corrected response brief should be filed in appeal no. 22-4074 only. The government will file its reply brief for appeal no. 22-4074, 21 days after Mr. Morales-Lopez's corrected response brief is filed.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "Sunil N. Rao".

By: Sunil N. Rao
Counsel to the Clerk