

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 21-2447

United States of America

Appellee

v.

Donald W. Estell, also known as Donald Estell

Appellant

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Appeal from U.S. District Court for the Western District of Missouri - Springfield  
(6:18-cr-03127-BCW-1)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

November 30, 2021

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

*Received  
12-7-21*

*Appendix A (1)*

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 21-2447

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United States of America

Plaintiff - Appellee

v.

Donald W. Estell, also known as Donald Estell

Defendant - Appellant

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Appeal from U.S. District Court for the Western District of Missouri - Springfield  
(6:18-cr-03127-BCW-1)

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**JUDGMENT**

Before COLLOTON, GRUENDER, and STRAS, Circuit Judges.

The motion of appellee for dismissal of this appeal is granted. The appeal is hereby dismissed. See Eighth Circuit Rule 47A(b).

September 27, 2021

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

Appendix A

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,                     )  
  )  
                          Plaintiff,            )  
  )  
          vs.                                    )  
  )  
DONALD W. ESTELL,                            )  
  )  
                          Defendant.          )

No. 18-03127-01-CR-S-BCW

**REPORT AND RECOMMENDATION**  
**CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Rule 11, F.R.Cr.P., 22(k)(26), WDMO, and 28 U.S.C. §636, and has entered a plea of guilty to Count Four of the Superseding Indictment filed on February 19, 2019. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary, and that the offense charged is supported by a factual basis for each of the essential elements of the offense. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Date: July 16, 2020

/s/ David P. Rush  
DAVID P. RUSH  
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within 14 days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).

**Additional material  
from this filing is  
available in the  
Clerk's Office.**