

Appendex A

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

July 3, 2023

Christopher M. Wolpert
Clerk of Court

MIGUEL ANTONIO GARCIA,

Plaintiff - Appellant,

v.

JAMES ANDERSON, et al.,

Defendants - Appellees.

No. 22-1326
(D.C. No. 1:22-CV-01209-LTB-GPG)
(D. Colo.)

ORDER

Before **MATHESON** and **BACHARACH**, Circuit Judges.

This matter is before the court on Appellant Miguel Antonio Garcia's "Emergency Ex-Parte Motion to Recall or Modify Mandate Pursuant to Rule 41.2 for Reentry of Judgment."

Mr. Garcia filed a motion to voluntarily dismiss this appeal on October 17, 2022 in which he stated, "I do not wish to appeal Judge Lewis T. Babcock's decision" and "I wish to voluntar[il]y dismiss case." On October 18, 2022, this court granted Mr. Garcia's motion for voluntary dismissal and dismissed the appeal pursuant to Fed. R. App. P. 42(b). The court's mandate issued the same day. Mr. Garcia has filed the instant motion to recall or modify the mandate in which he seeks to "continue with the appeal process."

Upon consideration, we deny the motion to recall or modify the mandate. *See* 10th Cir. R. 41.2; *Ute Indian Tribe of the Uintah & Ouray Reservation v. Utah*, 114 F.3d

1513, 1522 (10th Cir. 1997) (emphasizing “the power to recall or modify a mandate is limited and should be exercised only in extraordinary circumstances.”).

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Christopher M. Wolpert
Clerk of Court

August 8, 2023

Jane K. Castro
Chief Deputy Clerk

Miguel Antonio Garcia
#44824-013
FCI-Victorville
P.O. Box 3900
Adelanto, CA 92301

RE: No. 22-1326, *Garcia v Anderson, et al.*: case status

Dear Mr. Garcia:

The court received your letter dated August 1, 2023 inquiring about the status of your case. On July 3, 2023, the court entered an order denying your "Emergency Ex-Parte Motion to Recall or Modify Mandate Pursuant to Rule 41.2 for Reentry of Judgment." Therefore, your case remains closed. The court received additional pleadings from you on July 17, 2023, but no action will be taken on these submissions because your case remains closed. Please be advised that the court may not respond to further submissions in this closed case.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal line extending to the right.

CHRISTOPHER M. WOLPERT, Clerk