

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 22, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA EX.
REL. MARK CHRISTOPHER TRACY,

Plaintiff - Appellant,

v.

EMIGRATION IMPROVEMENT
DISTRICT, a Utah Special Service
District, et al.,

Defendants - Appellees.

Nos. 21-4059 & 21-4143
(D.C. No. 2:14-CV-00701-JNP)
(D. Utah)

ORDER

These matters are before the court on review of the procedural posture of Appeal No. 21-4059 and the opening of the companion appeal docketed as Appeal No. 21-4143.

Upon consideration, the court:

1. Vacates the deadline set in Appeal No. 21-4059 for appellant Mark Christopher Tracy to file an opening brief and appendix;
2. Consolidates these appeals for all procedural purposes, including briefing, submission to the court, and argument, if scheduled; and
3. Directs that briefing will proceed in accordance with Fed. R. App. P. 31(a) and 10th Cir. R. 31.1(A)(1) as follows:
 - a. Within 40 days after the district court submits notice that the record is complete for purposes of Appeal No. 21-4143, Mr. Tracy shall

serve and file: (a) a single consolidated opening brief that complies with the type/volume limitations for a single opening brief, *see* Fed. R. App. P. 32(a)(7), and addresses each of the issues he intends to raise in either of these appeals; and (b) a single, consolidated appendix that contains all portions of the district court's records necessary for this court's disposition of both appeals;

- b. Appellees will then have 30 days to serve and file a single response brief that complies with the type/volume limitations for a single response brief, *see* Fed. R. App. P. 32(a)(7); and
- c. Mr. Tracy will have 21 days following filing and service of the response brief to file a single consolidated reply brief, limited to the type/volume limitations for a single reply. *Id.*

Upon completion of briefing, the appeals will be submitted to the same panel of judges for consideration and oral argument, if scheduled.

The court directs the parties to caption all future documents for both appeals and to file all documents in both appeals.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



by: Lisa A. Lee
Counsel to the Clerk