

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 13, 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,

and

BARNETT INTERMOUNTAIN WATER
CONSULTING, a Utah corporation, et al.,

Defendants.

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

ORDER

These matters are before the court on the *Motion to Substitute Party and Dismiss Appeal* filed by Eric Hawkes, Jennifer Hawkes, and Simplifi Company. Appellant opposes the motion.

Upon careful consideration, the court concludes that the motion requires more than summary consideration available at this point in the proceedings. Accordingly, the motion and opposition are referred to the panel of judges that will be assigned later to consider the merits of the appeal. Briefing on the merits will proceed in accordance with

the rules once the district court notifies this court and the parties that the record is complete in Appeal No. 21-4143. *See* 10th Cir. R. 31.1(A).

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in cursive script, reading "Olenka George".

By: Olenka M. George
Counsel to the Clerk