

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

January 14, 2022

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TEOSHA ETUK, a/k/a Teosha Waters,

Defendant - Appellant.

No. 21-5058
(D.C. No. 4:20-CR-00100-CVE-3)
(N.D. Okla.)

ORDER

Teosha Etuk pleaded guilty to bank fraud and was sentenced to 12 months and one day in prison. She then filed this appeal.

The government moved to enforce the appeal waiver in Ms. Etuk's plea agreement under *United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc) (per curiam), and 10th Cir. R. 27.3(A)(1)(d).

In response to the government's motion, Ms. Etuk, through counsel, moved to voluntarily dismiss her appeal pursuant to Fed. R. App. P. 42(b) and 10th Cir. R. 46.3(C). Tenth Circuit Rule 46.3(C) requires that a voluntary motion to dismiss a criminal appeal contain "a statement, signed by the appellant, demonstrating knowledge of the right to appeal and expressly electing to withdraw the appeal." Ms. Etuk's motion to dismiss her appeal satisfies those requirements. Accordingly,

we grant her motion to dismiss and deny the government's motion to enforce as moot. A copy of this order shall stand as and for the mandate of the court.

Entered for the Court
Per Curiam

From: ca10_cmecl_notify@ca10.uscourts.gov
To: [CM-ECE Intake OKND](#)
Subject: 21-5058 United States v. Etuk "Case termination without a panel" (4:20-CR-00100-CVE-3)
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Tenth Circuit Court of Appeals

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Case Name: United States v. Etuk

Case Number: [21-5058](#)

Document(s): [Document\(s\)](#)

Docket Text:

[10886188] Frap 42. Procedural termination without judicial action. [21-5058]

Notice will be electronically mailed to:

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