

October 30, 2008

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

**Elisabeth A. Shumaker
Clerk of Court**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ANTONIO GUERRERO-
CHAVEZ,

Defendant - Appellant.

No. 07-2266

(D.C. No. 2:04-cr-01749-BB-1)

(D. N.M.)

ORDER AND JUDGMENT*

Before **HENRY**, Chief Judge, **TYMKOVICH**, Circuit Judge, and **LEONARD**,**
District Judge.

This matter is before the court following our receipt of notice that defendant Jose Antonio Guerrero-Chavez was deported to Mexico on August 13, 2008. In an order dated October 15, 2008, we directed the parties to file written

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3. In addition, we note that by order of the court dated October 14, 2008, this matter was submitted on the briefs. *See* Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G).

**The Honorable Timothy D. Leonard, United States District Judge, Western District of Oklahoma, sitting by designation.

responses addressing whether the appeal is now moot. On October 22, the government filed a response confirming the deportation and requesting dismissal of the appeal on mootness grounds. *See United States v. Vera-Flores*, 496 F.3d 1177, 1180-81 (10th Cir. 2007). Counsel for Mr. Guerrero-Chavez joins in that assessment.

Accordingly, this appeal is DISMISSED. The mandate shall issue forthwith.

Entered for the Court

Timothy M. Tymkovich
Circuit Judge