

UNITED STATES COURT OF APPEALS Tenth Circuit

FOR THE TENTH CIRCUIT

December 11, 2008

Elisabeth A. Shumaker  
Clerk of Court

DENNIS R. COWAN,

Plaintiff-Appellant,

v.

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant-Appellee.

No. 07-6236  
(D.C. No. 5:06-CV-01383-C)  
(W.D. Okla.)

**ORDER**

Before **McCONNELL**, **ANDERSON** and **BRORBY**, Circuit Judges.

The court issued an Order and Judgment in this appeal on June 17, 2008. The appellee subsequently filed a motion asking that the opinion be published and the appellant filed a response. On December 10, 2008, the court re-issued its original opinion in published format, implying that the motion to publish had been granted. The issuance of that decision in published format was improvident. The court now WITHDRAWS the published opinion issued December 10, 2008. The motion to publish remains pending before the court. A decision on the motion will be issued in due course.

Entered for the Court  
ELISABETH A. SHUMAKER  
Clerk of Court



by:  
Douglas E. Cressler  
Chief Deputy Clerk