

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

October 8, 2014

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

JONELL EVANS; STACIA IRELAND;
MARINA GOMBERG; ELENOR
HEYBORNE; MATTHEW BARRAZA;
TONY MILNER, DONALD JOHNSON;
CARL FRITZ SHULTZ,

Plaintiffs - Appellees,

v.

STATE OF UTAH; GARY HERBERT,
in his official capacity as Governor of
Utah; SEAN REYES, in his official
capacity as Attorney General of Utah,

Defendants - Appellants.

No. 14-4060
(D.C. No. 2:14-CV-00055-DAK)
(D. Utah)

ORDER

Before **KELLY, LUCERO**, and **HOLMES**, Circuit Judges.

Defendants-appellants have filed an unopposed motion to dismiss this appeal under Fed. R. App. P. 42(b). Defendants-appellants also ask that we remand the case to the district court for further proceedings relating to attorney fees and costs. Upon consideration, we grant the motion to dismiss and direct the Clerk to issue the mandate forthwith. Because the parties can seek appellate attorney fees and costs from this court and trial-court fees and costs from the district court upon dismissal of

the appeal and issuance of the mandate, we deny the request for a remand as unnecessary.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a white background.

ELISABETH A. SHUMAKER, Clerk