

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

WYANDOTTE NATION,

Plaintiff-Appellee/Cross-Appellant,

vs.

**Nos. 06-3322
06-3330**

**NATIONAL INDIAN GAME COMMISSION
and the U.S. DEPARTMENT OF JUSTICE,**

Defendant-Appellant/Cross-Appellee.

JOINT MOTION TO DISMISS APPEALS

Pursuant to Fed. R. App. P. 42 (b) and Tenth Circuit Rule 42-1 (a), the National Indian Gaming Commission and the U.S. Department of Justice, by and through Eric F. Melgren, United States Attorney for the District of Kansas, and Jackie A. Rapstine, Assistant United States Attorney, along with Wyandotte Nation, by and through its counsel, Conly Schulte, move this Court for an Order dismissing these appeals.

In support of this motion the parties state:

1. On September 5, 2006, the National Indian Gaming Commission and the U.S. Department of Justice filed a Notice of Appeal from the district court's

July 6, 2006, memorandum and order, and its July 7, 2006, judgment.

2. On September 11, 2006, Wyandotte Nation filed their Notice of Cross Appeal from the aforementioned memorandum and order and judgment.

3. The Department of Justice, through the Solicitor General's office, has determined that no appeal should be taken in this case and, accordingly, the United States requests voluntary dismissal of its appeal.

4. Wyandotte Nation has elected to no longer pursue its appeal and would, likewise, request voluntary dismissal of its cross-appeal.

5. Each party is to bear their own fees and costs.

WHEREFORE, the undersigned respectfully request that their respective appeals be dismissed with prejudice.

Respectfully submitted,

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United States Attorney

s/ Jackie A. Rapstine

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For the National Indian Gaming
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For the Wyandotte Nation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Motion to Dismiss Appeals was served on the 1st day of November, 2006, in digital format via email and in written form by the United States mail, postage prepaid, addressed to the following:

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This motion has:

- no attachments.
- attachments in digital format.
- attachments in scanned PDF format.
- attachments in hard copy only.

Further, any required privacy redactions have been made and, with the exception of any redactions, every document submitted in digital form is an exact copy of the written document filed with the Clerk. The digital submissions have been scanned for viruses with Trend Micro OfficeScan 6.5, updated continuously and, according to the program, are free of viruses.

s/ Jackie A. Rapstine
JACKIE A. RAPSTINE
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