

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

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

August 06, 2008

Douglas E. Cressler
Chief Deputy Clerk

Mr. Jonathan Lee Riches
Williamsburg
Federal Correctional Institution
Inmate Mail/parcels
Po Box 340
Salters, SC 29590
#4098-018

RE: 08-4154, SCO Group v. Novell, Inc.
Dist/Ag docket: 2:04-CV-00139-DAK-BCW

Dear Mr. Riches:

The court has docketed the appeal in this case.

Attorneys for parties must complete and file an entry of appearance form within 10 days from the date of this letter. Pro se parties must complete and file the form within 30 days from the date of this letter. *See* 10th Cir. R. 46.1. Appellant's failure to enter an appearance may cause the appeal to be dismissed. An appellee who fails to enter an appearance may not receive notice or service of orders.

Prisoners must pay the full amount of the filing fee. *See* 28 U.S.C. 1915(b)(1). The court must assess, and have the warden collect, partial filing fees. There are other requirements of prisoners under the act. They include providing a certified copy of the prisoner's trust fund statement for the preceding six months, and consenting to the collection of the funds from the prisoner's account by the custodian.

Prisoners are reminded that to invoke the prison mailbox rule they must immediately file a declaration in compliance with 28 U.S.C. Section 1746 or a notarized statement, either of which must set forth the date of deposit and state that first-class postage has been prepaid. *See* Fed. R. App. P. 4(c) and *United States v. Ceballos-Martinez*, 358 F.3d 732 (2004), *revised and superseded*, 371 F.3d 713 (10th Cir. 2004), *reh'g denied en banc*, 387 F.3d 1140 (10th Cir. 2004), *cert. denied*, 125 S.Ct. 624, (U.S. Nov 29, 2004).

The \$5.00 filing fee and \$450.00 docket fee were not paid to the district clerk when the notice of appeal was filed as required by Fed. R. App. P. 3(e). Unless the fees are paid to

the district clerk or an application for leave to proceed without prepayment of fees is made to the district court, within 30 days of the date of this letter, this appeal may be dismissed without further notice. *See* 10th Cir. R. 3.3(B).

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Elisabeth A. Shumaker
Clerk of the Court

cc: Brent O. Hatch
David E. Melaugh

EAS/na