

**UNITED STATES COURT OF APPEALS**    **October 6, 2008**

**FOR THE TENTH CIRCUIT**

**Elisabeth A. Shumaker**  
**Clerk of Court**

SCO GROUP, a Delaware corporation,

Plaintiff,

v.

NOVELL, INC., a Delaware corporation,

Defendant.

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JONATHAN LEE RICHES,

Movant - Appellant.

No. 08-4154  
(D.C. No. 2:04-CV-00139-DAK-BCW)

**ORDER**

As provided in the court's order of September 8, 2008, this appeal is dismissed pursuant to Tenth Cir. R. 42.1 for failure to prosecute. Appellant may not seek rehearing of this order. Reinstatement may be requested, although the request may be denied, only by compliance with Tenth Cir. R. 42.2. The mandate shall issue forthwith.

Entered for the Court  
ELISABETH A. SHUMAKER  
Clerk of Court



by:  
Douglas E. Cressler  
Chief Deputy Clerk