

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 18, 2018

Elisabeth A. Shumaker
Clerk of Court

DR. RACHEL TUDOR,

Plaintiff - Appellant,

and

UNITED STATES OF AMERICA,

Plaintiff,

v.

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY, et al.,

Defendants - Appellees.

No. 18-6102
(D.C. No. 5:15-CV-00324-C)
(W.D. Okla.)

ORDER

This matter is before the court *sua sponte*. A review of the district court docket has revealed a pending motion to alter or amend the judgment filed by Appellant within the 28-day period set forth in Fed. R. Civ. P. 59(e) (Doc. No. 311) and a pending motion for judgment as a matter of law or a new trial, filed by Appellees within the 28-day period set forth in Rule 59 (Doc. No. 316). The notice of appeal will not become effective until the district court disposes of both motions. Fed. R. App. P. 4(a)(4)(B). Accordingly, the deadline for Appellant to file her opening brief and appendix is VACATED and this appeal is ABATED.

Within 45 days from the date of this order, Appellant shall file a written report advising this court as to the status of the postjudgment motions. If the district court rules before that time, Appellant shall promptly notify this court in writing. Upon notification that the district court has ruled, the court will vacate the abatement and the appeal will proceed.

When the dispositive order is entered by the district court, the clerk of the district court is directed to supplement the preliminary record in accordance with 10th Cir. R. 3.2(B).

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk