

UNITED STATES COURT OF APPEALS

Filed 6/4/96

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

ANTHONY GAULT,

Defendants-Appellees.

No. 96-2093

(D. NM)

(D.C. No. CR 95-229-JP)

ORDER AND JUDGMENT*

Before **BALDOCK, HENRY**, and **MURPHY**, Circuit Judges.

On May 3, 1996, this court issued an emergency stay of the district court's April 19, 1996, order releasing defendant to a halfway house. That stay was to remain in effect "pending a decision from this court in No. 95-2196." This panel has now decided No. 95-2196 and has concluded in that case that the district court erred in suppressing evidence seized after a search of defendant's gym bag. In light of this court's decision in No. 95-

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

2196, we hereby **VACATE** the district court's April 19, 1996, order releasing defendant to a halfway house.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge