

**UNITED STATES COURT OF APPEALS  
Tenth Circuit  
Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80294  
(303) 844-3157**

**Patrick J. Fisher, Jr.**  
Clerk

**Elisabeth A. Shumaker**  
Chief Deputy Clerk

November 23, 1998

**TO:** ALL RECIPIENTS OF THE ORDER AND JUDGMENT

**RE:** 98-1246, *United States v. Nichols*  
Filed on November 18, 1998

The order and judgment filed on November 18, 1998, contains a typographical error. On page two, in the final paragraph, the third sentence should appear as follows:

Relying on our opinion in number 98-1247, we now affirm the district court's decision with respect to this appeal.

A copy of the corrected order and judgment is attached for your convenience.

Sincerely,  
Patrick Fisher, Clerk of Court

By: Keith Nelson  
Deputy Clerk

encl.

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

**PATRICK FISHER**  
Clerk

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TERRY LYNN NICHOLS,

Defendant-Appellant.

No. 98-1246  
(D.C. No. 96-CR-68-M)  
(D. Colo.)

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**ORDER AND JUDGMENT** \*

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**PER CURIAM .**

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After examining the preliminary record and materials on file, this panel has determined unanimously that oral argument is unnecessary in this matter. See Fed. R. App. P. 34(f) and 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Defendant Terry Lynn Nichols appeals from the district court's June 24, 1998 order rescinding certain restrictions which prohibited the government from

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

cooperating fully with state authorities investigating the bombing of the Alfred P. Murrah federal building on April 19, 1995. The issue which Mr. Nichols raises on appeal is the exact same one addressed in appeal number 98-1247, *United States v. McVeigh*, 157 F.3d 809 (10th Cir. 1998). In that published decision, we held the district court did not abuse its discretion in lifting the prior prohibition on cooperation with state authorities. *Id.* at 815.

Mr. Nichols joined that parallel proceeding as an intervenor on August 17, 1998. He filed briefs as well as a petition for rehearing. Relying on our opinion in number 98-1247, we now affirm the district court's decision with respect to this appeal. The stay entered in this matter via our order of July 7, 1998, is dissolved. The mandate shall issue forthwith.

Entered for the Court

Per Curiam