UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

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UNITED STATES OF AMERICA,

    Plaintiff - Appellee,

v.

ANDRE J. TWITTY,

    Defendant - Appellant.

No. 16-1036
(D.C. No. 1:13-CR-00076-RBJ-1)
(D. Colo.)

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ORDER AND JUDGMENT[*]
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Before **McHUGH**, **McKAY**, and **MORITZ**, Circuit Judges.
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Defendant-Appellant Andre J. Twitty appeals from an order of the district

court denying his most recent motion seeking release pending resolution of his

related appeal No. 14-1171. *See* Dist. Ct. Doc. 251 ("Motion to Alter or Amend the

Release Pending Appeal Order, Pursuant to Rule 59(e)"). The latter appeal was

finally resolved on February 1, 2016. In our decision, we noted Mr. Twitty had

"requested release pending appeal from this court, ha[d] unsuccessfully requested

release pending appeal from the district court, and [had] recently filed a motion in

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[*] This panel has determined unanimously that oral argument would not
materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2);
10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.
This order and judgment is not binding precedent, except under the doctrines of law
of the case, res judicata, and collateral estoppel. It may be cited, however, for its
persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

this case seeking review of the district court's denial of his district court motion for release." *United States v. Twitty*, No. 14-1171, slip op. at 14 (Feb. 1, 2016). We then explained: "Now that we have disposed of this appeal, his motions addressing release *pending appeal* are moot." *Id.* That situation has not changed. The matter under review concerns release pending appeal and is, therefore, moot. Should Mr. Twitty wish to seek his release pending the outcome of proceedings on remand, he must of course request such relief in the first instance from the district court.

This appeal is dismissed.

Entered for the Court
Per Curiam