

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

October 14, 2010

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HAROLD TIMOTHY GALLAWAY,

Defendant - Appellant.

No. 10-2012
(D.C. No. 1:08-CR-02702-BB-1)
(D. N.M)

ORDER AND JUDGMENT*

Before **KELLY, EBEL** and **LUCERO**, Circuit Judges.

The Court has reviewed the *Anders* brief and the record in this case and has determined that the appeal is without merit. Accordingly, the district court's order

*After examining appellant's brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2) and 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

finding mental incompetence to proceed to trial is AFFIRMED.

ENTERED FOR THE COURT

David M. Ebel
Circuit Judge