

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

June 13, 2014

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PAUL EUGENE BRAME,

Defendant - Appellant.

No. 13-1375
(D.C. No. 1:11-CR-00338-WYD-1)
(D. Colo.)

ORDER

Before **LUCERO, HARTZ, and HOLMES**, Circuit Judges.

The court was recently informed that the appellant in this matter, Paul Eugene Brame, passed away on June 8, 2014. *See* Notice of Appellant’s Death, No. 13-1375 (10th Cir., filed June 10, 2014). Accordingly, we **DISMISS** this appeal as moot, *see, e.g., United States v. Judd*, 42 F. App’x 140, 141 n.1 (10th Cir. 2002) (noting that a party’s appeal was “rendered moot by his death”), and **REMAND** the case to the district court with instructions to vacate that portion of the judgment imposing the challenged condition of supervised release. *See United States v. DeMichael*, 461 F.3d 414, 417 (3d Cir. 2006) (remanding to the district court with instructions to effectively vacate (i.e., “abate”) only that element of the deceased defendant’s sentence challenged on appeal); *United*

States v. Butler, 48 F. App'x 630, 631 (9th Cir. 2002) (vacating sentence but not conviction where the deceased defendant had appealed only his sentence). A copy of this order shall stand as and for the mandate of this court.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk