

UNITED STATES COURT OF APPEALS January 4, 2011  
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker  
Clerk of Court

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COMMODITY FUTURES TRADING  
COMMISSION, et al.,

Plaintiffs - Appellees,

v.

No. 10-6287

SIMON YANG, an individual, a/k/a Xiao  
Yang, a/k/a Simon Chen,

Defendant - Appellant,

and

PRESTIGE VENTURES CORP., a  
Panamanian corporation, et al.,

Defendants.

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STEPHEN J. MORIARTY,

Receiver.

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**ORDER**

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This appeal is before the court based on a status report filed on January 3, 2011 by Appellant-Defendant Simon Yang.

In a December 27, 2010 Order, this appeal, which was filed by Defendant Simon

Yang on December 17, 2010, was **ABATED** pending notification that the district court has entered an order disposing of four timely motions “for reconsideration and relief from judgment under Rules 59 and 60” [doc. 134, 135, 136, 137], which were filed by the Lee Defendants in the district court on December 8, 2010. *See* Fed. R. App. P. 4(a)(4)(A)(iv); Fed. R. Civ. P. 59(e) (*eff.* Dec. 1, 2009) (“must be filed no later than 28 days after the entry of the judgment”).

According to this court’s December 27, 2010 Order, the parties were directed to file status reports in this court 30 days after the date on the December 27 order, *i.e.*, by January 26, 2011. Consequently, Appellant Simon Yang’s status report is *premature*.

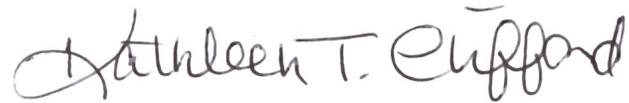
Upon consideration, the *abatement* of this appeal *will continue* pending further order of this court.

By **Wednesday, January 26, 2011**, the parties *must* file Status Reports advising this court as to the status of the motions for reconsideration. When an order is entered disposing of the Lee Defendants’ motions for reconsideration, the parties *must* immediately notify this court in writing.

Upon notification, this court will lift the abatement and instruct the parties as to further requirements.

*Briefing on the merits remains **TOLLED** pending further written order of this court.*

Entered for the Court  
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink that reads "Kathleen T. Clifford". The signature is written in a cursive style with a large initial 'K' and a distinct 'T'.

Kathleen T. Clifford  
Attorney - Deputy Clerk