

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

C.A. No. 10-2718

Orchard Coal Company, et al v. Secretary Labor, et al

PENN 2010-339-E; PENN 2010-340-E; PENN-2010-342-E; PENN 2010-343-E

**ORDER**

Pursuant to Fed. R. App. P. 3(a) and 3rd Cir. Misc. 107.2(b), it is

ORDERED that the above-captioned case is hereby dismissed for failure to timely prosecute insofar as appellant/ petitioner failed to file a brief and appendix as directed. It is

FURTHER ORDERED that a certified copy of this order be issued in lieu of a formal mandate.

For the Court,

*Marcia M. Waldron*  
Marcia M. Waldron, Clerk

Dated: October 27, 2010

cc:

Jerald S. Feingold Esq.  
W. Christian Schumann Esq.  
John T. Sullivan Esq.  
Bradley S. Tupi Esq.



**A True Copy**

*Marcia M. Waldron*

Marcia M. Waldron, Clerk  
Certified order issued in lieu of mandate.