

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Appellee/Cross-Appellant,	)	
	)	
v.	)	Nos. 11-2239/11-2240
	)	
<b>CHRISTOPHER L. ELDER,</b>	)	
	)	
and	)	
	)	
<b>TROY R. SOLOMON,</b>	)	
	)	
Appellants/Cross-Appellees.	)	

**MOTION TO DISMISS GOVERNMENT’S CROSS-APPEALS**

The United States of America, the appellee/cross-appellant, appears by its undersigned attorneys and respectfully moves to dismiss its cross-appeals in these cases. The Government provides the following suggestions in support of this motion:

1. Following their convictions for conspiring to distribute and dispense controlled substances, and aiding and abetting the unlawful distribution and dispensing of controlled substances, Elder and Solomon were sentenced to 15 months and 24 months, respectively. Their sentences were the result of the district court overruling the Government’s request for sentencing enhancements and the court varying downward from the advisory Guidelines range;
2. Both Elder and Solomon appealed their convictions and sentences. In order to preserve its right to cross-appeal the district court’s decisions to not apply enhancements

and to vary downward, the Government subsequently filed notices of cross-appeal from the district court's rulings;

3. The Government submitted a memorandum to the Department of Justice seeking permission to cross-appeal Elder's and Solomon's sentences, however, the Solicitor General, did not approve the Government's request.

Wherefore, for the reasons outlined above, the Government respectfully moves to dismiss its cross-appeals from the sentencing decisions entered in these cases.

Respectfully submitted,

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By */s/ Lajuana M. Counts*

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 19, 2011, the foregoing was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. A copy will be served on participants in the case by the CM/ECF system or by U.S. Mail, postage prepaid.

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