UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

Case No. 07-2137

vs.

JOSEPH ALLEN BUTTS,

Defendant/Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
DISTRICT COURT NO. CR-06-538 JH
Hon. Judith C. Herrera, United States District Judge

APPELLEE'

[1] Citations to "Doc." refer to the number of the document on the district court clerk's docket sheet, which is in the pr

preliminary rec

1993) ("motion for reconsideration of an order in a criminal case that is filed within the pe-

untimely motion for reconsideration. This Court's opinion in *Martinez* counsels against permitting appella

"conclusively determine the disputed question," (2) "resolve an important issue complete

limine did not "conclusively determine the disputed question" because "rulings on motions in limine normally are considered provisional." *United States v. Marino*, 200 F.3d 6, 11 (1 Cir. 1999). A cour

related to the defendant's guilt or innocence. *United State*

doctrine. Therefore, the order is not immediately appealable, and this Court should dismdoctrine. T

In this case, Butts has argued that the statute under which he was charged, the Controlled Subst

CERTIFI

CERTIFICATE OF DIGITAL SUBMISSIONS

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