

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

UNITED STATES,)	USCA Dkt. No. 12-6002/AF
)	Crim.App. Dkt. No. 2011-02
Appellee)	
)	
v.)	<u>O R D E R</u>
)	
Darren N.)	
HATHORNE,)	
Appellant)	

On further consideration of the record in the above-captioned case, the Court has concluded that the record does not reflect that Appellant has exhausted available review under Article 69, Uniform Code of Military Justice, 10 U.S.C. § 869 (2006). In that context, Appellant's present appeal is not ripe. Accordingly, it is, by the Court, this 26th day of April, 2012,

ORDERED:

That said appeal is hereby dismissed without prejudice to consideration upon further review, if any. Appellee's motion to dismiss is denied as moot.

For the Court,

/s/ William A. DeCicco
Clerk of the Court

cc: The Judge Advocate General of the Air Force
Counsel for Appellant (KERR)
Counsel for Appellee (BRUCE, Esq.)