

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

October 10, 2024

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NICK ALLEN MABRAY,

Defendant - Appellant.

No. 24-7018
(D.C. No. 6:22-CR-00071-RAW-1)
(E.D. Okla.)

ORDER AND JUDGMENT*

Before **MATHESON, BACHARACH, and PHILLIPS**, Circuit Judges.**

This matter is before the court on the parties' *Joint Motion to Remand for Resentencing*. The parties ask the court to remand this appeal to the district court for resentencing. Upon consideration and review of the record, the court grants the motion.

The court remands this case to the district court with instructions to vacate appellant Nick Mabray's sentence and to undertake, in its discretion, all proceedings

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** Because this matter is being decided on a *Joint Motion to Remand for Resentencing*, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

necessary and appropriate to resentence Mr. Mabray in accord with the *Joint Motion to Remand for Resentencing* filed in this court and any other proceedings it deems necessary and appropriate.

The court directs its Clerk to issue the mandate forthwith.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk