

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 29, 2016

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN C. PRINCE,

Defendant - Appellant.

No. 16-3051
(D.C. No. 2:98-CR-20005-KHV-JPO-1)
(D. Kan.)

ORDER

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

This matter is before the court on the *Government's Confession of Error and Motion to Remand for Additional Trial Court Proceedings*. The appellant has no objection to the proposed remand. Upon consideration, the motion is GRANTED.

This appeal is remanded to the United States District Court for the District of Kansas with instructions for that court to vacate Mr. Prince's revocation sentence and to resentence him per the 1997 version of 18 U.S.C. §3583(h). The appeal is DISMISSED.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk