

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 19, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUSTIN JAMAR SMITH,

Defendant - Appellant.

No. 17-8014
(D.C. No. 2:16-CR-00192-ABJ-1)
(D. Wyo.)

ORDER

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

This matter is before the court on the *United States' Motion to Remand* this appeal to the district court for resentencing. Appellant Justin Jamar Smith does not oppose the relief requested.

Upon consideration, the court grants the motion, dismisses this appeal, and remands the case to the district court with instructions to conduct appropriate proceedings to re-sentence Mr. Smith.

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

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Lisa A. Lee
Counsel to the Clerk