

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 16, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CRUZ MELENDREZ, III,

Defendant - Appellant.

No. 19-2080
(D.C. No. 5:17-CR-03506-KG-1)
(D. N.M.)

ORDER AND JUDGMENT*

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

This matter comes on for consideration of the government's *Unopposed Motion for Remand to the District Court for Resentencing*. The appellant concurs in the motion. The government concedes plain error by the district court in the sentencing of the appellant. Upon consideration thereof, the motion is granted. This appeal is dismissed and the matter remanded to the district court for resentencing. The mandate shall issue forthwith.

Entered for the Court

Per Curiam

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.