

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 19, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON DEAN ENDSLEY,

Defendant - Appellant.

No. 23-3002
(D.C. No. 5:21-CR-40100-TC-1)
(D. Kan.)

ORDER AND JUDGMENT*

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

This matter is before the court on the parties' Joint Motion to Vacate and Remand (the "Motion"). Upon consideration, the Motion is granted, as provided below.

This matter is remanded to the district court with instructions to vacate the judgment against Appellant Jason Dean Endsley. The district court is further instructed to conduct any and all proceedings necessary and appropriate toward

* After examining the parties' motion and appellate record, 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. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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. *See* Fed. R. App. P. 32.1; 10th Cir. R. 32.1.

entering an amended judgment addressing the restitution assessment issue presented in the Motion, which is incorporated into this Order and Judgment by reference.

This appeal is dismissed. The mandate shall issue forthwith.

Entered for the Court

Per Curiam