FILED
United States Court of Appeals
Tenth Circuit

February 5, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

ROBERT MARCUS JOHNSTON,

Defendant - Appellee.

No. 25-5130
(D.C. No. 4:25-CR-00169-SEH-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

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

This matter is before us on the United States' Motion for Summary Affirmance. The United States moves for summary affirmance based on this court's recent published decision in *United States v. Hopson*, No. 23-5056, 150 F.4th 1290 (10th Cir. 2025). The appellee does not oppose the United States' motion.

---

* After examining the United States' motion and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of the motion or the appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. Additionally, this order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

In light of the foregoing, the tolling of proceedings in this appeal is lifted, and the United States' Motion for Summary Affirmance is granted. The judgment of the district court is affirmed.

Entered for the Court

Per Curiam