

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

June 30, 2021

Christopher M. Wolpert  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA SCOTT,

Defendant - Appellant.

No. 21-3033  
(D.C. No. 6:16-CR-10003-EFM-2)  
(D. Kan.)

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**ORDER AND JUDGMENT\***

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

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This matter is before the court on the parties' *Joint Motion for Summary Disposition*, by which they request that this court vacate the order of the U.S. District Court for the District of Kansas dismissing Appellant's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), and remand to the district court for further proceedings consistent with this court's decision in *United States v. Avalos*, \_\_ Fed. Appx. \_\_, 2021 WL 1921847 (10th Cir. May 13, 2021).

Upon consideration, the court grants the motion, vacates the district court's September 14, 2020 order with respect to dismissal of Appellant's motion for

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

compassionate release, remands the case to the district court for further proceedings consistent with *United States v. Avalos*, \_\_ Fed. Appx. \_\_, 2021 WL 1921847 (10th Cir. May 13, 2021), and dismisses this appeal.

The mandate shall issue forthwith.

Entered for the Court

Per Curiam