

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**September 15, 2022**

**Christopher M. Wolpert**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEVIN DEWAYNE BENNETT,

Defendant - Appellant.

No. 22-6097  
(D.C. No. 5:21-CR-00180-PRW-1)  
(W.D. Okla.)

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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 to Remand (the “Motion”). Upon consideration, the Motion is granted, as provided below.

This matter is remanded to the district court with instructions to vacate Appellant Devin Dewayne Bennett’s sentence and conduct any and all proceedings necessary to resentence Appellant consistent with the grounds presented in the Motion, which is incorporated into this Order and Judgment by reference.

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\* 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

This appeal is dismissed. The mandate shall issue forthwith.

Entered for the Court

Per Curiam