

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

January 30, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS PARRA,

Defendant - Appellant.

No. 18-2040
(D.C. No. 1:16-CR-02910-MCA-1)
(D. N.M.)

ORDER AND JUDGMENT*

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

This matter is before us on the United States' *Unopposed Motion for Remand to the District Court for Resentencing*. In this appeal, Appellant Jesus Parra asserts that the district court committed reversible procedural error when it sentenced him based on a mistaken belief that it was bound to sentence him to the low end of his applicable Sentencing Guidelines range. The United States confesses this error and moves for remand for resentencing. The motion is unopposed.

* In light of the United States' motion, this matter is submitted on the briefs. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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.

Upon consideration, the United States' *Motion for Remand* is granted. This appeal is dismissed, and this matter is remanded with instructions to the district court to vacate its judgment entered February 8, 2018 and conduct any and all proceedings necessary to resentence Mr. Parra in light of the United States' *Motion for Remand*.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court
Per Curiam