

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 14, 2020

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON DIEDRICH,

Defendant - Appellant.

No. 19-1241
(D.C. No. 1:18-CR-00439-MSK-GPG-1)
(D. Colo.)

ORDER AND JUDGMENT*

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

This is a direct criminal appeal from the July 5, 2019 judgment entered in Appellant Jason Diedrich’s criminal case. On February 12, 2020, the parties filed a *Joint Motion for Remand*. The motion seeks to remand with instructions to the district court to vacate a special condition of supervised release imposed upon Mr. Diedrich that the parties agree is improper in light of United States v. Blair, 933 F.3d 1271, 1272, 1280-81 (10th Cir. 2019) (finding that supervised release condition limiting access to computers and Internet devices is “impermissibly broad” because

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** Because this matter is being decided on a joint motion for remand to the district court, the panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument.

“it allows the probation office to completely ban the defendant’s use of the Internet by failing to place any restraints on a probation officer’s ability to restrict a defendant’s Internet access”; remanding with instructions to district court to reformulate condition to bring it into compliance with 18 U.S.C. §§ 3553 and 3583).

Upon consideration, we grant the parties’ *Joint Motion for Remand* and we remand with instructions for the United States District Court for the District of Colorado to vacate Special Condition of Supervision Number 12, and to reformulate it in accord with United States v. Blair.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam