

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 24, 2022

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERARDO ELIAS,

Defendant - Appellant.

No. 22-3067
(D.C. No. 6:21-CM-60012-EFM-1)
(D. Kan.)

ORDER AND JUDGMENT*

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

Gerardo Elias appeals the district court’s March 24, 2022 order denying his motion for early termination of supervised release under 18 U.S.C. § 3583(e)(1).

The parties have filed a *Joint Motion for Summary Disposition*. The joint motion requests to summarily vacate the district court’s order due to a supervening change of law, specifically United States v. Hartley, Nos. 22-3010 & 22-3044, 2022 WL 1548483, *7, *11 (10th Cir. May 17, 2022) (holding that a district court is

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 the parties’ joint motion for summary disposition, 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.

required to make “individualized determinations based on the applicable statutory criteria before imposing a sentence or responding to a request to modify a sentence”; reversing denial of motions for early termination of probation and remanding to district court for further proceedings).

Upon consideration, we grant the parties’ *Joint Motion for Summary Disposition*, and we remand with instructions for the United States District Court for the District of Kansas to vacate its order denying Mr. Elias’s motion to terminate supervised release and to conduct further proceedings consistent with United States v. Hartley.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam