

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 2, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OLUSOLA OJO a/k/a Sam,

Defendant - Appellant.

No. 22-5041
(D.C. No. 4:20-CR-00100-CVE-2)
(N.D. Okla.)

ORDER AND JUDGMENT*

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

This matter is before the court on the parties' *Joint Motion to Remand*, and their supplement to that motion. Upon consideration, the motion is granted as provided below.

The deadline for the United States to file its response brief is vacated. This matter is remanded to the district court with instructions to vacate appellant Olusola Ojo's conviction on Count Eight of the second superseding indictment and to conduct any other proceedings it deems necessary and appropriate in light of the parties' Joint Motion and supplement.

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 This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

This appeal is dismissed. The mandate shall issue forthwith.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal flourish extending to the right.

CHRISTOPHER M. WOLPERT, Clerk