

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 22, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT VANDORI JOHNSON,

Defendant - Appellant.

No. 23-1054
(D.C. No. 1:22-CR-00046-RM-2)
(D. Colo.)

ORDER AND JUDGMENT*

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

This matter is before the court on the parties' *Joint Motion to Remand for Resentencing without Application of the Armed Career Criminal Act*. The parties move this court to vacate Appellant Robert Vandori Johnson's sentence and to remand this matter in light of *United States v. Taylor*, 142 S. Ct. 2015 (2022).

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Upon consideration, the Motion is granted. This matter is remanded to the district court with instructions to vacate Mr. Johnson's sentence and to conduct further proceedings necessary to resentence him in accordance with *Taylor*.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam