

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

December 26, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NYLES EARL MONDO JOHNSON,

Defendant - Appellant.

No. 23-3234
(D.C. No. 2:22-CM-80600-DDC-1)
(D. Kan.)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NYLES EARL MONDO JOHNSON,

Defendant - Appellant.

No. 23-3235
(D.C. No. 2:20-CR-20064-DDC-1)
(D. Kan.)

ORDER AND JUDGMENT*

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

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 Vacate and Remand*, this 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 ordered submitted without oral argument.

These procedurally-consolidated appeals are before the court on the parties' *Joint Motion to Vacate and Remand*. The motion asks the court to vacate the sentence and remand this matter to the district court for resentencing.

Upon consideration and review of the record, the court grants the motion. The sentence is vacated. This matter is remanded to the district court. The district court shall undertake, in its discretion, all necessary and appropriate proceedings to resentence defendant-appellant Nyles Earlmondo Johnson in accord with the *Joint Motion to Vacate and Remand* filed in this court. The Clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam