

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**August 17, 2023**

**Christopher M. Wolpert**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

COTI D'SHAYNE DAVIS,

Defendant - Appellant.

No. 23-5012  
(D.C. No. 4:22-CR-00004-JFH-1)  
(N.D. Okla.)

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**ORDER AND JUDGMENT\***

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

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This matter is before the court on the parties' *Joint Motion for Remand for Resentencing*, in which they request that the court remand the case to the district court for resentencing. Upon consideration and review of the record, the court:

- A. Grants the motion;
- B. Remands this case to the district court for resentencing and to undertake, in its discretion, all necessary and appropriate proceedings required to

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 for Resentencing* this panel has determined unanimously that oral argument would not materially assist in the determination of the appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

resentence defendant-appellant Coti D'Shayne Davis in accord with the

*Joint Motion to Remand for Resentencing* filed here; and

- c. Directs the Clerk to issue the mandate forthwith.

Entered for the Court

Per Curiam