

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 18, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JALEN WOLFELKINS HARRIS,

Defendant - Appellant.

No. 23-6042
(D.C. No. 5:22-CR-00021-J-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

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

This matter is before us on the United States' *Unopposed Motion to Remand*. The United States moves to remand this case to allow the district court to reconsider its sentencing decisions in light of *United States v. Blackbird*, 949 F.3d 530 (10th Cir. 2020) and *United States v. Englehart*, 22 F.4th 1197 (10th Cir. 2022). Appellant Jalen Wolfelkins Harris does not oppose the motion.

Upon consideration, the *Motion to Remand* is granted. Mr. Harris's sentence is vacated, and this matter is remanded with instructions to the district court to conduct

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

any and all proceedings necessary to reconsider its sentencing decisions in light of the United States' *Unopposed Motion to Remand*.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court
Per Curiam