

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

March 8, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KOLEN KALANI KAIMANA,

Defendant - Appellant.

No. 16-1328
(D.C. Nos. 1:16-CV-01222-JLK and
1:12-CR-00323-JLK-1)
(D. Colo.)

ORDER AND JUDGMENT*

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

This matter is before us on Appellee's *Unopposed Motion for Summary Affirmance*. The United States moves for summary affirmance of the district court's sentencing determination in this case in light of the Supreme Court's decision in *Beckles v. United States*, __S. Ct.__, 2017 WL 855781 (March 6, 2017). Appellant Kolen Kalani Kaimana does not oppose the motion.

Upon consideration, the motion is granted. The judgment of the district court is affirmed. The mandate shall issue forthwith.

Entered for the Court
Per Curiam

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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