

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 25, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALAN J. HAAG,

Defendant - Appellant.

No. 18-3255
(D.C. No. 6:18-CR-10086-JWB-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **BACHARACH**, **SEYMOUR**, and **McHUGH**, Circuit Judges.

On September 7, 2018, defendant Alan J. Haag was convicted of a single count of possession of a firearm by a prohibited person pursuant to 18 U.S.C. §922(g)(1). Judgment entered on November 28, 2018, and this appeal followed. On July 23, 2019 the parties filed a *Joint Motion for Summary Disposition*. In the *Motion*, the parties request that we vacate Mr. Haag's conviction in light of *Rehaif v. United States*, 139 S. Ct. 2191 (2019), and that we direct a remand so that the United States may dismiss

* The oral argument hearing set originally for September 26, 2019 is vacated, and all counsel are excused from attendance. In light of this disposition, the panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Mr. Haag's 18 U.S.C. §922(g)(1) charge. Upon consideration, the *Motion* is granted as modified in this Order and Judgment.

We grant the parties' request to dispose of this appeal by summary disposition in light of the *Rehaif* decision. We remand, however, with instructions for the district court to vacate the conviction and to allow the United States to dismiss the underlying charge.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam