

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 13, 2020

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE MARTINEZ, a/k/a Jose Lucas
Martinez-Almaraz,

Defendant - Appellant.

No. 19-3218
(D.C. No. 6:19-CR-10057-JWB-1)
(D. Kan.)

ORDER AND JUDGMENT*

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

This matter is before us on the Motion for Summary Disposition/Affirmance. The United States moves for summary affirmance based on this court's recent published decision in *United States v. Lira-Ramirez*, 951 F.3d 1258 (10th Cir. 2020), *en banc rev. denied* May 1, 2020. While the appellant does not dispute that *Lira-Ramirez* controls the outcome of this appeal and does not contest summary

* Upon consideration of the United States' motion and the appellant's status report filed May 7, 2020, this panel unanimously agrees that this matter can be submitted on these materials and without oral argument. *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 This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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.

affirmance of the district court's judgment, he reserves the right to petition the United States Supreme Court for further review.

In light of the foregoing, the abatement of proceedings in this appeal is lifted, and the appellee's motion for summary affirmance is granted. The judgment of the district court is affirmed.

Entered for the Court
Per Curiam