

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 18, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARTHUR HARRIS,

Defendant - Appellant.

No. 20-2163
(D.C. No. 2:10-CR-03150-JAP-1)
(D. N.M.)

ORDER AND JUDGMENT*

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

This matter is before the court on the government's *Unopposed Motion for Remand*, by which it requests that this appeal be remanded to the U.S. District Court for the District of New Mexico (Las Cruces) to address Appellant's challenges to certain supervised-release conditions. Upon consideration, the motion is granted as set forth herein. This matter is remanded to the district court for further proceedings

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

to address (1) the lack of pre-hearing notice of Special Condition 17¹, as required by *United States v. Bruce*, 458 F.3d 1157, 1167-68 (10th Cir. 2006), and (2) Appellant's challenges to Special Conditions 16 and 18, and the Special Condition included in the written judgment that was not orally imposed at sentencing.

This appeal is dismissed. The mandate shall issue forthwith.

Entered for the Court

Per Curiam

¹ The Special Conditions at issue are referred to by the numbering used in the parties' briefing in this appeal.