

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

July 2, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MERRILL ROSS MOON,

Defendant - Appellant.

No. 20-1333
(D.C. No. 1:20-CR-00061-RBJ-1)
(D. Colo.)

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 court vacate the U.S. District Court for the District of Colorado's order sentencing Appellant, and remand to the district court for further proceedings in light of the United States Supreme Court's decision in *Borden v. United States*, No. 19-5410, 2021 WL 2367312 (U.S. June 10, 2021).

Upon consideration, the court grants the motion, vacates the district court's sentencing order, remands the case to the district court for further proceedings in

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

light of *Borden v. United States*, No. 19-5410, 2021 WL 2367312 (U.S. June 10, 2021), and dismisses this appeal.

The mandate shall issue forthwith.

Entered for the Court

Per Curiam