

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**February 9, 2022**

**Christopher M. Wolpert**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MATTHEW W. HUTCHINSON,

Defendant - Appellant.

No. 21-3196  
(D.C. No. 6:10-CR-10080-EFM-2)  
(D. Kan.)

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**ORDER AND JUDGMENT\***

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

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This matter is before the court on the parties' Joint Motion for Remand (the "Motion"). At the court's direction, the appellant filed his Supplement to Joint Motion for Remand to clarify the relief requested, in which the government also joined. Upon consideration, the Motion as supplemented is granted, as provided below.

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\* After examining the parties' motion, supplement to the motion, and the appellate record, this 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 32.1.

This matter is fully remanded to the district court. We instruct the district court to vacate the defendant's revocation sentence and resentence him so the written judgment can be amended to conform with the oral sentence pronouncement on the grounds stated in the Motion and supplement, which are incorporated into this Order and Judgment by reference. The district court's revocation of the appellant's supervised release and sentence are otherwise affirmed.

The mandate shall issue forthwith.

Entered for the Court

Per Curiam