

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 2, 2022

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDGARDO RINCON,

Defendant - Appellant.

No. 22-5032
(D.C. No. 4:16-CR-00147-CVE-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

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

This matter is before the court on the parties' *Joint Motion for Remand*, in which they request that the court remand the case to the district court for resentencing. Upon consideration and review of the record, the court:

- A. Grants the *Joint Motion for Remand*;
- B. Remands this case to the district court with instructions to strike or clarify Standard Condition 12 to appellant Edgardo Rincon's supervised release

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** Because this matter is being decided on a *Joint Motion to Remand for Resentencing* this panel has determined unanimously that oral argument would not materially assist in the determination of the appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

and to undertake, in its discretion, all necessary and appropriate proceedings required to resentence Mr. Rincon in accord with the *Joint Motion to Remand* filed here; and

- C. Directs the Clerk to issue the mandate forthwith.

Entered for the Court

Per Curiam