

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

February 1, 2023

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DOMINIC DAMOND UHEGWU,

Defendant - Appellant.

No. 22-6093
(D.C. No. 5:20-CR-00154-G-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

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

This matter is before the court on the United States’ motion for summary affirmance, based on this court’s recent decision in United States v. Harbin, 56 F.4th 843 (10th Cir. 2022). In response, Defendant-Appellant Dominic Damond Uhegwu does not dispute that Harbin controls the outcome of this appeal and does not object to the government’s motion. We further note that Mr. Uhegwu makes an additional argument for preservation purposes only, that we should overrule United States v.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** After examining the briefs and 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.

Jones, 15 F.4th 1288 (10th Cir. 2021). This argument also must be rejected. United States v. Manzanares, 956 F.3d 1220, 1225 (10th Cir. 2020).

In light of the foregoing, the motion for summary affirmance is GRANTED and the judgment of the district court is AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge