

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 13, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT ERNEST PEEPLES, JR.,

Defendant - Appellant.

No. 23-8017
(D.C. No. 1:18-CR-00093-SWS-1)
(D. Wyo.)

ORDER AND JUDGMENT*

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

This matter is before the court on the parties' *Joint Motion to Remand for Modification Proceedings*, in which they request that the court: (1) vacate the stock sexual material condition the district court imposed upon defendant-appellant Robert Ernest Peeples, Jr.'s conditions of supervised release; and (2) remand the case to the district court to conduct new modification proceedings with respect to any legally justifiable sexual material condition.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

Upon consideration and review of the record, the court:

- A. Grants the motion;
- B. Vacates the stock sexual material condition the district court imposed upon Mr. Peeples, Jr.'s conditions of supervised release;
- C. Remands this case to the district court to undertake, in its discretion, all necessary and appropriate modification proceedings related to any legally justifiable sexual material condition; and
- D. Directs the Clerk to issue the mandate forthwith.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk