

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

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

**March 25, 2024**

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEE ARTHUR THOMPSON, a/k/a LT,

Defendant - Appellant.

No. 23-1319  
(D.C. No. 1:05-CR-00141-RMR-1)  
(D. Colo.)

**ORDER AND JUDGMENT\***

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

This matter is before the court on the parties' *Joint Motion to Remand for Further Proceedings*, in which they jointly request that the court “revers[e] the district court's order and remand[] the case for resentencing with instructions to calculate the revised Guidelines range before exercising its First Step Act discretion.” Upon consideration and review of the record, the court:

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

- A. Grants the motion;
- B. Reverses the district court's order [ECF No. 1926] denying Mr. Thompson's motion to reduce his sentence under the First Step Act and the district court's order [ECF No. 2007] denying in part Mr. Thompson's motion for reconsideration of ECF No. 1926;
- C. Remands this case to the district court to conduct any further proceedings that may be appropriate in light of the precedent identified in the parties' joint motion for remand; and
- D. Vacates the deadline for the government to file a response brief in this appeal.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk