

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 8, 2024

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LAZARUS SHAMAR SANDERS,

Defendant - Appellant.

No. 24-2089
(D.C. No. 5:23-CR-01003-KG-1)
(D. N.M.)

ORDER AND JUDGMENT*

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

This matter is before the court on the parties' *Motion for Summary Disposition and Remand*, in which the government confesses error during sentencing and requests that the court remand this appeal to the district court for resentencing. Upon consideration and review of the record, the court:

A. Grants the motion;

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

- B. Remands this case to the district court for resentencing and to undertake, in its discretion, all necessary and appropriate proceedings required to resentence defendant-appellant Lazarus Shamar Sanders in accord with the *Motion for Summary Disposition and Remand* filed here; and
- C. Directs the Clerk to issue the mandate forthwith.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk