

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

March 28, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL ADOLPH RODRIGUEZ,

Defendant - Appellant.

No. 16-1384
(D.C. Nos. 1:16-CV-01444-RM and
1:14-CR-00377-RM-1)
(D. Colo.)

ORDER AND JUDGMENT*

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

This matter comes on for consideration of the government’s Fed. R. App. P. 28(j) letter in which the government informs the court of the Supreme Court decision in *Beckles v. United States*, ___ S. Ct. ___, 2017 WL 855781 (March 6, 2017), and the defendant’s “Statement Re: *Beckles*,” in which the defendant states that he “agrees with the Government that *Beckles* forecloses relief in this case.”

Upon consideration thereof, the judgment of the district court is **AFFIRMED**.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

The mandate shall issue forthwith.

Entered for the Court
Per Curiam