

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

April 11, 2018

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN D. WARD,

Defendant - Appellant.

No. 17-3182
(D.C. Nos. 5:16-CV-04109-DDC and
5:01-CR-40050-DDC-1)
(D. Kan.)

ORDER AND JUDGMENT*

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

This matter is before us on the United States' *Motion for Summary Affirmance*. The United States moves for summary affirmance of the district court's judgment in light of this court's decision in *United States v. Greer*, 2018 WL 721675 (10th Cir. Feb. 6, 2018). In response, Appellant John D. Ward acknowledged that *Greer* answers the question raised in this appeal and the court could summarily affirm. However, he suggested that summary affirmance was premature prior to issuance of the mandate in *Greer*. On March 7, 2018, the court abated this appeal and its consideration of the United States' motion for summary affirmance pending issuance of the mandate in *Greer*.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 in *Greer* issued on April 2, 2018. Accordingly, the abatement of this appeal is lifted and the United States' *Motion for Summary Affirmance* is granted. In light of this court's decision in *United States v. Greer*, 2018 WL 721675 (10th Cir. Feb. 6, 2018), the judgment of the district court is affirmed.

Entered for the Court
Per Curiam