

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 22, 2019

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAUN CRUZ CONINE, a/k/a Shaun
Connie, a/k/a Cheech,

Defendant - Appellant.

No. 19-5043
(D.C. No. 4:18-CR-00227-GKF-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **BRISCOE, PHILLIPS, and MORITZ**, Circuit Judges.

This matter is before us on the parties’ *Joint Motion to Remand*, in which the United States concedes that the district court committed plain procedural error when it effectively rejected Appellant Shaun Cruz Conine’s plea agreement by not imposing the sentence agreed to by the parties pursuant to Fed. R. Crim. P. 11(c)(1)(C), without giving Appellant an opportunity to withdraw his guilty plea, as required by Rule 11(c)(5)(B). Upon consideration, the court grants the parties’ joint request to remand to the district court. This appeal is dismissed, and this matter is remanded with instructions to the district court to vacate its judgment entered

* This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

April 24, 2019, and conduct further proceedings as the court sees fit in light of the *Joint Motion to Remand*. The United States' motion to enforce Appellant's appeal waiver is denied as moot.

Entered for the Court
Per Curiam