

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

July 6, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL WALKER, JR.,

Defendant - Appellant.

No. 20-1304
(D.C. No. 1:06-CR-00320-LTB-2)
(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 First Claim for Relief. At the court’s direction, the parties supplemented the joint motion with additional information. The motion as supplemented asks this court to remand the first claim for relief the appellant presented to the district court in his motion for sentencing relief pursuant to 18 U.S.C. § 3582(c) in light of this court’s recent decisions in *United States v. McGee*, 992 F.3d 1035 (10th Cir. 2021), and

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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.

United States v. Maumau, 993 F.3d 821 (10th Cir. 2021). The appellant also states that he is withdrawing the second claim for relief he presented to the district court in his § 3582(c) motion.

Upon consideration, the joint motion as supplemented is granted. The appellant's second claim is withdrawn. This matter is remanded to the district court with instructions to vacate its order of August 21, 2020, as to the appellant's first claim for relief, and to conduct any and all proceedings necessary to consider the parties' arguments anew in light of *McGee* and *Maumau*. The clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam