

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

September 12, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ATANAEL VASQUEZ-IXLAJ, a/k/a
Atanael Vasquez, a/k/a Atanael Ezequias,

Defendant - Appellant.

No. 23-5029
(D.C. No. 4:22-CR-00280-JFH-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

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

This matter is before the court on the parties' *Joint Motion to Remand for Resentencing*.

The parties move this court to vacate Appellant Atanael Vasquez-Ixlaj's sentence and to remand this matter in light of *United States v. Walker*, 74 F.4th 1163 (10th Cir. 2023) and *United States v. Jimenez*, 61 F.4th 1281 (10th Cir. 2023).

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Upon consideration, the *Joint Motion to Remand for Resentencing* is granted. This matter is remanded to the district court with instructions to vacate Mr. Vasquez-Ixlaj's sentence and to conduct further proceedings necessary to resentence him in accordance with *Walker, Jimenez*, and the parties' joint motion to remand.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam