

FILED  
United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 27, 2025

Christopher M. Wolpert  
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN DE DIOS MARISCAL-GARCIA,

Defendant - Appellant.

No. 25-2010  
(D.C. No. 2:23-CR-01662-RB-1)  
(D. N.M.)

ORDER AND JUDGMENT\*

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

This matter is before the court on the parties' *Joint Motion for Remand*, in which they request that the court remand this appeal to the district court for resentencing. Upon consideration and review of the record, the court:

- A. Grants the motion;
- B. Remands this case to the district court for resentencing and to undertake, in its discretion, all necessary and appropriate proceedings required to

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

resentence defendant-appellant Juan Mariscal-Garcia in accord with the  
*Joint Motion for Remand* filed here; and

- C. Directs the Clerk to issue the mandate forthwith.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk