

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 3, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE LEON JOHNSON,

Defendant - Appellant.

No. 25-4144
(D.C. No. 2:23-CR-00033-DS-1)
(D. Utah)

ORDER AND JUDGMENT*

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

This matter is before us on the parties' *Joint Motion for Remand for Resentencing*. (Dkt. No. 14.) The parties ask the court to remand this matter to the district court for resentencing. Upon consideration and review of the record, the court grants the motion.

The court remands this matter to the district court with instructions to vacate appellant Jose Leon Johnson's sentence and to undertake, in its discretion, all

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 the parties' *Joint Motion for Remand for Resentencing*, 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); (f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument.

proceedings necessary and appropriate to resentence Mr. Johnson in accord with the *Joint Motion* filed in this court and any other proceedings it deems necessary and appropriate.

The court directs its Clerk to issue the mandate forthwith.

Entered for the Court

Per Curiam