FILED
United States Court of Appeals
Tenth Circuit

November 4, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CISCO WHITEHORSE,

Defendant - Appellant.

No. 26-2103
(D.C. No. 1:25-CR-04825-KG-1)
(D. N.M.)

ORDER AND JUDGMENT*

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

This matter is before us on the government's *Unopposed Motion for Summary Disposition and Remand*. (ECF No. 22.) The parties agree that the court should 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 Cisco Whitehorse's sentence and to undertake, in its discretion, (i) all

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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 the government's *Unopposed Motion for Summary Disposition and Remand*, this panel has determined unanimously that oral argument would not materially assist the court 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. Whitehorse in accord with the *Unopposed Motion* filed in this court; and (ii) any other proceedings it deems necessary and appropriate.

We direct the Clerk to issue the mandate forthwith.

Entered for the Court

Per Curiam