

November 29, 2010

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEPHEN DUANE BURGESS,

Defendant - Appellant.

No. 10-8069
(D.C. No. 1:10-CR-00078-CAB-2)

ORDER

Before **KELLY, MURPHY, and GORSUCH**, Circuit Judges.

The unopposed “UNITED STATES’ MOTION TO REMAND FOR RE-SENTENCING IN LIGHT OF UNITED STATES v. BOOKER, 125 S.Ct. 738 (2005)” is granted.

The case remanded to the district court with instructions to vacate the sentence imposed and to resentence the defendant in accordance with United States v. Booker, 125

S. Ct. 738 (2005) and this court's post-Booker opinions. The appeal is dismissed. The clerk shall issue the mandate forthwith.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court



by: Douglas E. Cressler
Chief Deputy Clerk