

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

December 21, 2018

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HENRY D. MCKNIGHT, JR.,

Defendant - Appellant.

No. 18-3144
(D.C. No. 5:17-CR-40020-DDC-1)
(D. Kan.)

ORDER AND JUDGMENT*

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

Henry D. McKnight, Jr. appeals the district court’s order of September 22, 2017 denying his motion to suppress evidence. This matter is before us on the United States’ *Motion to Remand for Additional Trial Court Proceedings*. The United States confesses error and moves the court to reverse the district court’s order denying Mr. McKnight’s motion to suppress and remand the case for further proceedings. The motion is unopposed.

* In light of the United States’ motion, this matter is submitted on the briefs. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Upon consideration, the *Motion to Remand* is granted. This appeal is dismissed, and this matter is remanded with instructions to the district court to vacate its judgment dated June 12, 2018 and its order of September 22, 2017 denying Mr. McKnight's motion to suppress and to conduct any and all proceedings the district court deems appropriate in light of the United States' *Motion to Remand*.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court
Per Curiam