

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

September 28, 2020

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARTHUR JAMES MANN,

Defendant - Appellant.

No. 20-5029
(D.C. No. 4:19-CR-00212-GKF-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

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

This is a direct criminal appeal from the March 13, 2020 judgment entered in Appellant Arthur Mann’s criminal case. On September 25, 2020, the parties filed a *Joint Motion to Remand for Resentencing*. The motion seeks to remand with instructions to the district court to vacate a special condition of supervised release imposed upon Mr. Mann that the parties agree is improper in light of United States v. Blair, 933 F.3d 1271, 1272, 1280-81 (10th Cir. 2019) (finding that supervised release condition limiting access to computers and Internet devices is “impermissibly broad”

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

because “it allows the probation office to completely ban the defendant’s use of the Internet by failing to place any restraints on a probation officer’s ability to restrict a defendant’s Internet access”; remanding with instructions to district court to reformulate condition to bring it into compliance with 18 U.S.C. §§ 3553 and 3583).

Upon consideration, we grant the parties’ *Joint Motion to Remand for Resentencing* and we remand with instructions for the United States District Court for the Northern District of Oklahoma to vacate Special Condition of Supervision Number 6, and to reformulate it in accord with United States v. Blair.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court

Per Curiam