

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**January 25, 2021**

**FOR THE TENTH CIRCUIT**

**Christopher M. Wolpert**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHEY FARMER,

Defendant - Appellant.

No. 20-3229  
(D.C. No. 2:19-CR-20050-JAR-JPO-1)  
(D. Kan.)

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**ORDER AND JUDGMENT\***

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

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This matter is before the court upon: (1) the government’s *Motion for Enforcement of Appeal Waiver*; (2) appellant Richey Farmer’s response; and (3) the parties’ subsequent *Joint Motion to Remand for Additional Trial Court Proceedings*. Upon consideration and review of the record, the court:

- A. Grants the *Joint Motion to Remand*, remands this case with instructions for the United States District Court for the District of Kansas to vacate the

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 a *Joint Motion to Remand for Resentencing* this panel has determined unanimously that oral argument would not materially assist in the determination of the appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

judgment issued on October 30, 2020 and to undertake, in its discretion, all necessary and appropriate proceedings required to resentence Mr. Farmer in accord with the *Joint Motion to Remand* filed here;

- B. Denies the *Motion for Enforcement* without prejudice as moot; and
- C. Directs the Clerk to issue the mandate forthwith.

Entered for the Court  
Per Curiam