

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

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**April 6, 2021**

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

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY RUCKER,

Defendant - Appellant.

No. 20-3164  
(D.C. No. 2:04-CR-20150-JWL-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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Appellant Larry Rucker filed this post-conviction appeal of the district court’s July 30, 2020 order denying a sentence reduction under 18 U.S.C. § 3582(c)(1)(A).

We abated this appeal pending a decision in United States v. Maumau, No. 20-4056.

The parties have filed a *Joint Motion for Summary Disposition* to summarily vacate the district court’s July 30, 2020 order and to remand due to a supervening change of law, specifically this court's recent decisions in United States v. McGee,

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 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.

No. 20-5047 (10th Cir. Mar. 29, 2021) and United States v. Maumau, No. 20-4056 (10th Cir. Apr. 1, 2021).

Upon consideration, we lift the abatement of this appeal and grant the parties' *Joint Motion for Summary Disposition*. We hereby vacate the district court's July 30, 2020 order denying a sentence reduction under 18 U.S.C. § 3582(c)(1)(A) and remand for further proceedings consistent with United States v. McGee and United States v. Maumau.

The Clerk is directed to issue the mandate forthwith.

Entered for the Court  
Per Curiam