

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

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

**June 30, 2021**

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

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA SCOTT,

Defendant - Appellant.

No. 21-3033  
(D.C. No. 6:16-CR-10003-EFM-2)  
(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 on the parties' *Joint Motion for Summary Disposition*, by which they request that this court vacate the order of the U.S. District Court for the District of Kansas dismissing Appellant's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), and remand to the district court for further proceedings consistent with this court's decision in *United States v. Avalos*, \_\_ Fed. Appx. \_\_, 2021 WL 1921847 (10th Cir. May 13, 2021).

Upon consideration, the court grants the motion, vacates the portion of the district court's February 1, 2021 *Memorandum and Order* denying Appellant's

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

motion for compassionate release, remands the case to the district court for further proceedings consistent with *United States v. Avalos*, \_\_ Fed. Appx. \_\_, 2021 WL 1921847 (10th Cir. May 13, 2021), and dismisses this appeal.

The mandate shall issue forthwith.

Entered for the Court

Per Curiam