

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

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

**May 26, 2022**

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

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THERESA MARIE MARTINEZ,

Defendant - Appellant.

No. 21-2114  
(D.C. No. 1:19-CR-02516-MV-1)  
(D. N.M.)

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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 us on Appellant Theresa Marie Martinez’s *Unopposed Motion for Remand*.

The motion for remand notes that the United States filed a brief conceding that Ms. Martinez was erroneously sentenced and requesting remand for resentencing. Ms. Martinez requests this court to remand to the district court for further proceedings. The United States concurs.

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\* In light of the unopposed motion for remand to the district court, this case is submitted without oral argument. *See* Fed. R. App. P. 34(f); 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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, we grant the *Unopposed Motion to Remand*. This case is remanded with instructions to the district court to conduct any and all proceedings necessary in light of Ms. Martinez's motion for remand, including expressing its intended prison sentence as a term of days or months.

The mandate shall issue forthwith.

Entered for the Court

Per Curiam