

FILED
United States Court of Appeals
Tenth Circuit

PUBLISH

July 23, 2024

UNITED STATES COURT OF APPEALS

Christopher M. Wolpert
Clerk of Court

FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARNELL TYREE-PEPPERS,

Defendant - Appellant.

No. 23-3171
(D.C. No. 5:17-CR-40085-TC-1)
(D. Kan.)

ORDER

Before **HARTZ, EID**, and **CARSON**, Circuit Judges.

This matter is before the court on the parties' *Joint Motion to Vacate Decision for Lack of Jurisdiction* (Motion). Upon careful consideration, the motion is GRANTED as follows.

Our June 24, 2024 judgment and opinion in this matter are VACATED, and this matter is DISMISSED AS MOOT. This order removes both the *res judicata* and *stare decisis* effect of the vacated judgment and opinion. "We do not depublish our opinion, however, because such action would not have additional legal effect and the opinion may

be useful to someone in the future simply as a description of the course of the case.” *City Ctr. W., LP v. Am. Mod. Home Ins. Co.*, 749 F.3d 912, 914 (10th Cir. 2014) (internal quotation marks and citations omitted).

Entered for the Court,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal flourish extending to the right.

CHRISTOPHER M. WOLPERT, Clerk