

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 3, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK WAYNE DALLAS,

Defendant - Appellant.

No. 25-6126
(D.C. No. 5:24-CR-00349-D-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

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

This matter is before us on the parties' *Joint Motion to Vacate Judgment and Remand*. (ECF No. 23.) The parties ask the court to remand this matter to the district court for resentencing in light of this court's decision in *United States v. Singer*, no. 23-6120, 2026 U.S. App. LEXIS 1667 (10th Cir. Jan. 23, 2026). We first lift the abatement of this appeal previously imposed by the court's December 18, 2025 order.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

(ECF No. 21.) Second, upon consideration and review of the record, we grant the *Joint Motion*.

The court remands this matter to the district court with instructions to vacate appellant Mark Wayne Dallas's sentence and to undertake, in its discretion, all proceedings necessary and appropriate to resentence Mr. Dallas in accord with the *Joint Motion* filed in this court and any other proceedings it deems necessary and appropriate.

The court directs its Clerk to issue the mandate forthwith.

Entered for the Court

Per Curiam