

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

June 16, 2016

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LESTER RAY NICHOLS,

Defendant - Appellant.

No. 14-3041
(D.C. No. 6:13-CR-10106-JTM-1)
(D. Kansas)

ORDER AND JUDGMENT*

Before **McHUGH**, **McKAY**, and **BALDOCK**, Circuit Judges.

In light of the United States Supreme Court's decision in *Nichols v. United States*, 136 S. Ct. 1113 (2016), we previously recalled the mandate and vacated the judgment in this case. The mandate recalled on May 6, 2016, is hereby reissued forthwith. We now remand to the United States District Court for the District of Kansas for further proceedings consistent with the Supreme Court's decision.

Entered for the Court

Carolyn B. McHugh
Circuit Judge

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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