FILED
United States Court of Appeals
Tenth Circuit

June 28, 2024

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

W. CLARK APOSHIAN,

Plaintiff - Appellant,

v.

MERRICK GARLAND, Attorney General of the United States of America; UNITED STATES DEPARTMENT OF JUSTICE; STEVEN M. DETTELBACH, Director, Bureau of Alcohol Tobacco Firearms and Explosives; BUREAU OF ALCOHOL TOBACCO FIREARMS AND EXPLOSIVES,

Defendants - Appellees.

No. 23-4141
(D.C. No. 2:19-CV-00037-JNP)
(D. Utah)

ORDER AND JUDGMENT*

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

The court previously abated this appeal pending the United States Supreme Court's decision in *Garland v. Cargill*, No. 22-976. This matter is now before us on the parties' *Joint Abated Case Status Report*, in which they report that the Supreme Court has

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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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. Further, because this matter is being decided on a *Joint Abated Case Status Report*, this panel has determined unanimously that oral argument would not materially assist in the determination of the appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case therefore is ordered submitted without oral argument.

decided *Cargill*. *See Garland v. Cargill*, No. 22-976, 2024 U.S. LEXIS 2607 (June 14, 2024). In light of the Supreme Court's decision, the parties ask us to "vacate the district court's judgment in the government's favor and remand for the district court to enter a new judgment in plaintiff's favor and issue [other] appropriate relief."

Upon consideration, we first lift the abatement of this appeal. Additionally, in light of the Supreme Court's decision in *Cargill*, we vacate the judgment entered by the district court on September 29, 2023. Finally, we remand this matter to the district court, with instructions for the district court to conduct any and all further proceedings it deems necessary and appropriate in light of the Supreme Court's decision in *Cargill*. We direct the Clerk to issue the mandate forthwith.

Entered for the Court

CHRISTOPHER M. WOLPERT, Clerk