

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-3074

September Term, 2020

FILED ON: FEBRUARY 17, 2021

UNITED STATES OF AMERICA,
APPELLEE

v.

BRYAN BOSTICK,
APPELLANT

Consolidated with 05-3012

Appeals from the United States District Court
for the District of Columbia
(No. 98-cr-00264-16)

Before: TATEL*, PILLARD*, and WILKINS, *Circuit Judges*.

JUDGMENT

These appeals initially were considered on the record on appeal from the United States District Court for the District of Columbia and on the briefs and oral arguments of the parties. On June 26, 2015, the court issued an opinion, order, and judgment that affirmed the convictions of appellants Bryan Bostick and Stephen Marbury and, while otherwise rejecting their challenges to their sentences, held their cases in abeyance and remanded the records to the district court for the limited purpose of determining whether it would impose different sentences more favorable to the defendants under the advisory Guidelines. The Clerk was directed to withhold issuance of the mandate pending final disposition of Bostick's and Marbury's appeals, Nos. 04-3074 and 05-3012. On September 16, 2020, the district court notified this court that it would not have

*Judge Tatel and Judge Pillard were randomly selected to replace Judge (now Justice) Kavanaugh and the late Judge Williams, who were members of the panel that issued the opinion, order and judgment on June 26, 2015.

imposed different sentences more favorable to appellants under the advisory Guidelines and returned the records to this court. On October 14, 2020, the parties filed a joint motion to govern further proceedings, asking that the cases be removed from abeyance and judgment entered. Upon consideration of the foregoing, it is

ORDERED that the joint motion be granted and these cases be returned to the court's active docket. It is

FURTHER ORDERED AND ADJUDGED that the sentences of Bryan Bostick and Stephen Marbury be affirmed.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein and with respect to the judgment affirming Bostick's and Marbury's convictions that issued on June 26, 2015, until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk