

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

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**JAN 27 1999**

**PATRICK FISHER**  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOEY K., (a juvenile),

Defendant - Appellant.

No. 98-2194  
(D.C. No. CR-98-255-BB)  
(District of New Mexico)

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**ORDER AND JUDGMENT\***

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Before **BRORBY**, **EBEL** and **LUCERO**, Circuit Judges.

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In light of this court's en banc holding in United States v. Singleton, No. 97-3178, 1999 WL 6469 (10th Cir. Jan. 8, 1999), we AFFIRM the judgment of the district court.

The mandate shall issue forthwith.

ENTERED FOR THE COURT

Carlos F. Lucero  
Circuit Judge

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\*The case is unanimously ordered submitted without oral argument pursuant to Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(g). This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.