

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 27, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MOISES EUFELIO MARTINEZ, JR.,

Defendant - Appellant.

No. 17-2191
(D.C. No. 5:17-CR-01643-JBM-1)
(D. N.M.)

ORDER AND JUDGMENT*

Before **BRISCOE, O'BRIEN**, and **MORITZ**, Circuit Judges.

Moises Eufelio Martinez, Jr., pleaded guilty to a drug offense and was sentenced to 108 months in prison. He appeals that sentence even though his plea agreement included a broad waiver of his appellate rights. The government has moved to enforce the appeal waiver under *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc) (per curiam). Through his counsel, Mr. Martinez concedes that the waiver bars his appeal. Based on this concession and our independent review of the record, we grant the government's motion and dismiss the appeal.

Entered for the Court
Per Curiam

* 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); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.