

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

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

**May 23, 2023**

**Christopher M. Wolpert**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT A. TAYLOR,

Defendant - Appellant.

No. 23-3051  
(D.C. No. 6:21-CR-10101-JWB-1)  
(D. Kan.)

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**ORDER AND JUDGMENT\***

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Before **PHILLIPS, McHUGH**, and **EID**, Circuit Judges.

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Robert A. Taylor pleaded guilty to receiving child pornography and was sentenced to 195 months in prison, within the advisory guidelines range of 188-235 months in prison. Although his plea agreement contained an appeal waiver, Taylor appealed. The government then moved to enforce the appeal waiver under *United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc). Taylor has now filed a response through counsel, indicating he takes no position on the government’s motion to enforce.

Under *Hahn*, we evaluate the government’s motion to enforce by asking:

“(1) whether the disputed appeal falls within the scope of the waiver of appellate rights;

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

(2) whether the defendant knowingly and voluntarily waived his appellate rights; and  
(3) whether enforcing the waiver would result in a miscarriage of justice.” *Id.* at 1325.

The government argues that all three requirements are satisfied. We have independently reviewed the record to confirm that this appeal is within the scope of Taylor’s appellate waiver, that Taylor knowingly and voluntarily waived his appellate rights, and that enforcing the waiver would not result in a miscarriage of justice. Accordingly, we grant the government’s motion to enforce and dismiss this appeal.

Entered for the Court  
Per Curiam