

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

December 13, 2023

Christopher M. Wolpert  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK ANTHONY CALZADA,

Defendant - Appellant.

No. 23-2126  
(D.C. No. 2:22-CR-01378-KG-1)  
(D. N.M.)

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**ORDER AND JUDGMENT\***

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Before **PHILLIPS, KELLY, and CARSON**, Circuit Judges.

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Mark Anthony Calzada pleaded guilty to possessing a firearm and ammunition as a felon. He received a 108-month sentence. He appeals even though his plea agreement contained an appeal waiver. The government moves to enforce the waiver. Mr. Calzada concedes that, on this record, he cannot “show that enforcement of the waiver is not warranted.” Resp. at 1.

Based on the parties’ positions and our independent review of the record, we grant the government’s motion. We dismiss this appeal. This dismissal is without prejudice to any rights under 28 U.S.C. § 2255 that survive the plea agreement.

Entered for the Court  
Per Curiam

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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