

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

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

**February 23, 2024**

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

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DRESHAWN EDWARD SMITH,

Defendant - Appellant.

No. 23-6188  
(D.C. No. 5:22-CR-00517-F-1)  
(W.D. Okla.)

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**ORDER AND JUDGMENT\***

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Before **HOLMES**, Chief Judge, **EID**, and **FEDERICO**, Circuit Judges.

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Dreshawn Edward Smith pleaded guilty to a drug-trafficking offense and received a sentence within the advisory sentencing guidelines range. Despite an appeal waiver in his plea agreement, he filed this appeal. The government moves to enforce the appeal waiver pursuant to *United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc). In response, Mr. Smith “concedes, after reviewing the record on appeal, that the appellate waiver in his Plea Agreement applies and that no exception set forth in [*Hahn*] negates enforcement of that waiver.” Resp. at 1. Based

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

on Mr. Smith's concession, we grant the government's motion to enforce the appeal waiver and dismiss this appeal.

Entered for the Court

Per Curiam