

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 20, 2024

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL MONTANO,

Defendant - Appellant.

No. 23-2173
(D.C. No. 1:20-CR-01479-KWR-1)
(D. N.M.)

ORDER AND JUDGMENT*

Before **McHUGH, EBEL**, and **CARSON**, Circuit Judges.

Daniel Montano pleaded guilty to possession of ammunition by a convicted felon, *see* 18 U.S.C. § 922(g)(1), and received an 87-month prison sentence. He then appealed from that sentence. His plea agreement contains an appeal waiver that the government now moves to enforce under *United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc). In response, Montano’s counsel states he “has fully discussed the government’s Motion with Mr. Montano, including his rights and options in responding to it, and with Mr. Montano’s consent undersigned counsel reports that Mr. Montano does not object to the government’s Motion.” Resp. at 1.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

In light of Montano's non-opposition, we grant the government's motion to enforce and dismiss this appeal.

Entered for the Court

Per Curiam