FILED
United States Court of Appeals
Tenth Circuit

October 22, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICARDO FELIX-GAMEZ,

Defendant - Appellant.

No. 23-3236
(D.C. Nos. 2:18-CV-02487-JAR-JPO,
2:19-CV-02491-JAR, &
2:15-CR-20042-JAR-2)
(D. Kan.)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN MICHAEL SNEED,

Defendant - Appellant.

No. 23-3250
(D.C. Nos. 5:19-CV-04008-JAR-JPO,
2:19-CV-02491-JAR, &
5:13-CR-40123-HLT-2)
(D. Kan.)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFERY MICHAEL ROARK,

Defendant - Appellant.

No. 23-3251
(D.C. Nos. 2:19-CV-02405-JAR-JPO,
2:19-CV-02491-JAR, &
2:15-CR-20042-JAR-JPO-1)
(D. Kan.)

UNITED STATES OF AMERICA,

Plaintiff - Appellee, v. ENOCH CLARK, III, a/k/a Enoch Clark, Defendant - Appellant.	No. 23-3252 (D.C. Nos. 2:19-CV-02410-JAR-JPO, 2:19-CV-02491-JAR-JPO, & 2:14-CR-20130-JAR-2) (D. Kan.)
UNITED STATES OF AMERICA, Plaintiff - Appellee, v. BOOKER ZACHERY JOHNSON, III, Defendant - Appellant.	No. 23-3257 (D.C. Nos. 5:18-CV-04099-JAR-JPO, 2:19-CV-02491-JAR, & 5:15-CR-40064-DDC-1) (D. Kan.)
UNITED STATES OF AMERICA, Plaintiff - Appellee, v. PETSAMAI PHOMMASENG, Defendant - Appellant.	No. 23-3274 (D.C. Nos. 2:18-CV-02479-JAR-JPO, 2:19-CV-02491-JAR, & 2:15-CR-20020-JAR-5) (D. Kan.)
UNITED STATES OF AMERICA, Plaintiff - Appellee, v. PETSAMAI PHOMMASENG,	No. 23-3275 (D.C. Nos. 2:18-CV-02477-JAR-JPO, 2:19-CV-02491-JAR, & 2:14-CR-20014-JAR-TJJ-13) (D. Kan.)

Defendant - Appellant.

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PETSAMAI PHOMMASENG,

Defendant - Appellant.

No. 23-3278
(D.C. Nos. 2:18-CV-02478-JAR-JPO,
2:19-CV-02491-JAR, &
2:15-CR-20006-JAR-DJW-1)
(D. Kan.)

ORDER DENYING CERTIFICATE OF APPEALABILITY[*]

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

These matters are before us on the Appellants' *Unopposed Motion to Summarily Resolve Appeals*, wherein they each request a certificate of appealability (COA) on the following issues:

1. Did the district court err when it dismissed the conviction challenges that were based on pre-plea intrusions on grounds that the defendants' counseled guilty pleas blocked any such challenges—especially given language in the plea agreements allowing for future challenges based on prosecutorial misconduct?

2. Did the district court err when it dismissed the sentence challenges that were based on pre-plea intrusions on grounds that the defendants' counseled guilty pleas blocked any such challenges—especially given language in the plea agreements allowing for future challenges based on prosecutorial misconduct?

3. Did the district court err when it concluded that the Sixth Amendment is *not* violated if the government establishes the absence of prejudice when a

[*] This order 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.

> prosecutor intentionally and unjustifiably intrudes on the defendant's confidential attorney-client communications after the defendant pleads guilty but before the defendant is sentenced?

Appellants each acknowledge that, absent a COA, these appeals must be dismissed. 28 U.S.C. § 2253(c). They also acknowledges that as to Issues 1 and 2, this court is bound by *United States v. Spaeth*, 69 F.4th 1190 (10th Cir. 2023) to deny the requested certificates of appealability and that, as to Issue 3, this court is bound by both *United States v. Orduno-Ramirez*, 61 F.4th 1263 (10th Cir. 2023) and *United States v. Hohn*, 123 F.4th 1084 (10th Cir. 2024) to deny the requested certificates of appealability.

Upon consideration, the abatement of these matters is lifted. Each appeal shall proceed on the preliminary record already on file. Appellants' requests for a COA are foreclosed by *Spaeth*, *Orduno-Ramirez* and *Hohn*. Accordingly, we deny a COA for each appeal and dismiss these matters.

Entered for the Court

CHRISTOPHER M. WOLPERT, Clerk