

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 20, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORIO TABAREZ-HERNANDEZ,

Defendant - Appellant.

No. 25-4161
(D.C. No. 2:24-CR-00054-DBB-1)
(D. Utah)

ORDER AND JUDGMENT*

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

Gregorio Tabarez-Hernandez pleaded guilty to possession of cocaine with intent to distribute and possession of a machine gun. *See* 21 U.S.C. § 841(a)(1); 18 U.S.C. § 922(o). The district court sentenced him to 240 months in prison. Tabarez-Hernandez appealed. The government now moves to enforce the appeal waiver in the plea agreement under *United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc).

We will enforce an appeal waiver if (1) “the disputed appeal falls within the . . . scope of the waiver”; (2) “the defendant knowingly and voluntarily waived

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

his appellate rights”; and (3) enforcing the waiver would not “result in a miscarriage of justice.” *Hahn*, 359 F.3d at 1325-27.

The government argues, and Tabarez-Hernandez concedes, that all three *Hahn* conditions are met in this case. Accordingly, we grant the government’s motion to enforce the appeal waiver and dismiss the appeal.

Entered for the Court

Per Curiam