

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

November 21, 2014

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLTON VAUGHN, a/k/a Money,
a/k/a Lil' Money,

Defendant - Appellant.

No. 14-1275
(D.C. No. 1:12-CR-00048-WJM-12)
(D. Colo.)

ORDER AND JUDGMENT*

Before **LUCERO, HARTZ, and McHUGH**, Circuit Judges.

After accepting a plea agreement that included a waiver of his right to appeal, Charlton Vaughn pleaded guilty to one count of conspiracy to distribute cocaine or base cocaine. Notwithstanding the appeal waiver, he filed a pro se notice of appeal and counsel was appointed to represent Mr. Vaughn on appeal. The government has moved to enforce the waiver. *See United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc) (per curiam). The government has also filed a motion to keep

* This panel has determined that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Mr. Vaughn's plea agreement, attached as an exhibit to the motion to enforce, under seal.

Mr. Vaughn's lawyer has filed a response to the government's motion to enforce in which he states that "Appellant Vaughn has *no objection* to the Government's Motion to Enforce An Appeal Waiver." Resp. at 2. Moreover, Mr. Vaughn does not object to the motion to seal.

The motion to enforce is granted and this matter is dismissed. We also grant the government's motion to file Mr. Vaughn's plea agreement under seal.

Entered for the Court
Per Curiam