

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 16, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUBEN PACHECO-SOTO,

Defendant - Appellant.

No. 17-2097
(D.C. No. 1:15-CR-04529-WJ-1)
(D. N.M.)

ORDER AND JUDGMENT*

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

After entering into a plea agreement that included an appeal waiver, Ruben Pacheco-Soto pleaded guilty to drug and weapons offenses. He was sentenced to 90 months' imprisonment. Despite the waiver, Pacheco-Soto filed a notice of appeal to challenge the sentence. The government has moved to enforce the appeal waiver. In response to the motion, Pacheco-Soto's counsel states: "After speaking with counsel, Mr. Pacheco-Soto agrees with the government that the appellate waiver should be enforced and this appeal should be dismissed." Resp. at 3.

* This panel has determined unanimously that oral argument would not materially assist in 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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.

We grant the motion to enforce the appeal waiver and dismiss the appeal.

Entered for the Court
Per Curiam