

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

September 17, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ASIEL RODRIGUEZ,

Defendant - Appellant.

No. 19-1159
(D.C. No. 1:18-CR-00134-RM-1)
(D. Colo.)

ORDER AND JUDGMENT*

Before **TYMKOVICH**, Chief Judge, **LUCERO** and **HARTZ**, Circuit Judges.

Asiel Rodriguez pleaded guilty to one count of conspiracy to possess counterfeit access devices. The district court sentenced him to 48 months in prison. Although Mr. Rodriguez's plea agreement included a waiver of his right to appeal, he filed this appeal. The government has moved to enforce the appeal waiver under *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc) (per curiam). Mr. Rodriguez, through his counsel, concedes that the appeal waiver bars the appeal and no exception set forth in *Hahn* applies. Based on this concession and our

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

independent review of the record, we grant the government's motion and dismiss the appeal.

Entered for the Court
Per Curiam