

UNITED STATES COURT OF APPEALS

December 11, 2020

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GRISELDA MUNIZ,

Defendant - Appellant.

No. 20-4080
(D.C. No. 4:19-CR-00102-DN-PK-2)
(D. Utah)

ORDER AND JUDGMENT*

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

Griselda Muniz pled guilty to possession with intent to distribute methamphetamine (21 U.S.C. § 841(a)(1)), and the district court imposed a stipulated 96-month prison sentence. Although her plea agreement included an appeal waiver, Muniz filed a notice of appeal. She asserts in her docketing statement that her sentence is unduly harsh. The government has moved to enforce the appeal waiver.

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 [her]

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

appellate rights”; and (3) enforcing the waiver would not “result in a miscarriage of justice.” *United States v. Hahn*, 359 F.3d 1315, 1325 (10th Cir. 2004) (en banc) (per curiam). The government contends that all three requirements are met in this case. In her response, through counsel, Muniz “concedes that she has waived her right to direct appeal.” Aplt. Resp. at 2.

Based on that concession and our independent review of the record, we grant the government’s motion to enforce the appeal waiver and dismiss this appeal.

Entered for the Court
Per Curiam