

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-14553
Non-Argument Calendar

D.C. Docket No. 1:18-cr-00088-KD-N-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BETTYE CLEMENT HAYS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama

(October 23, 2020)

Before JILL PRYOR, LUCK and HULL Circuit Judges.

PER CURIAM:

The Government's motion to dismiss this appeal pursuant to the appeal waiver in Appellant's plea agreement is GRANTED. *See United States v. Bushert*, 997 F.2d

1343, 1350-51 (11th Cir. 1993) (sentence appeal waiver will be enforced if it was made knowingly and voluntarily); *United States v. Bascomb*, 451 F.3d 1292, 1297 (11th Cir. 2006) (appeal waiver “cannot be vitiated or altered by comments the court makes during sentencing”); *United States v. Grinard-Henry*, 399 F.3d 1294, 1296 (11th Cir. 2005) (waiver of the right to appeal includes waiver of the right to appeal difficult or debatable legal issues or even blatant error). Moreover, the Government’s motion to dismiss this appeal as untimely is GRANTED. *See United States v. Lopez*, 562 F.3d 1309, 1314 (11th Cir. 2009) (holding that if a criminal defendant’s notice of appeal is filed more than 30 days after the expiration of the initial 14-day appeal period, then the defendant is not eligible for relief under Fed. R. App. P. 4(b)(4)).