

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-12788

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JEFFREY SPIVACK,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:21-cr-80016-KAM-1

Before WILSON, LUCK, and BLACK, 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. Boyd*, 975 F.3d 1185, 1192 (11th Cir. 2020) (stating the “touchstone” for assessing whether an appeal waiver was made knowingly and voluntarily is whether the court clearly conveyed to the defendant that he was giving up his right to appeal under most circumstances); *United States v. Bushert*, 997 F.2d 1343, 1350-51 (11th Cir. 1993) (stating a sentence appeal waiver will be enforced if it was made knowingly and voluntarily).