

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 19, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN DWAYNE JORDAN,

Defendant - Appellant.

No. 25-5005
(D.C. No. 4:24-CR-00138-GKF-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **BACHARACH, McHUGH**, and **FEDERICO**, Circuit Judges.

Kevin Dwayne Jordan pled guilty to failure to register as a sex offender. The district court sentenced him to 15 months in prison and 5 years of supervised release. The court also imposed four special sex-offender conditions of release. Although his plea agreement contained a waiver of his right to appeal his sentence—including any condition of supervised release—Jordan filed a notice of appeal to challenge the special condition that he participate in sex-offender treatment when he is released from prison. The government then filed a motion to enforce the appeal waiver pursuant to *United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc).

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Jordan’s counsel filed a response to the motion, citing *Anders v. California*, 386 U.S. 738, 744 (1967), and stating that he has “conscientiously examined this case and determined that . . . any opposition to the Motion to Enforce would be wholly frivolous.” Resp. at 1 (brackets and internal quotation marks omitted). Consistent with *Anders*, 386 U.S. at 744, we gave Jordan the opportunity to file a pro se response. His response was initially due on April 25, 2025, and we sua sponte extended the deadline to May 12, 2025, but to date he has not filed a response.

We will enforce an appeal waiver if (1) “the disputed appeal falls within the” waiver’s scope; (2) “the defendant knowingly and voluntarily waived his appellate rights”; and (3) enforcing the waiver would not “result in a miscarriage of justice.” *Hahn*, 359 F.3d at 1325. The government argues that all three of these conditions are met in this case.

As required by *Anders*, we fully examined all the proceedings. See 386 U.S. at 744. After doing so, we agree there is no non-frivolous basis to oppose the government’s motion. We therefore grant the government’s motion to enforce the appeal waiver and dismiss the appeal. We also grant counsel’s motion to withdraw as Jordan’s attorney.

Entered for the Court

Per Curiam