

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

May 26, 2017

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES LEONHARDT HAUPT,

Defendant - Appellant.

No. 17-3056
(D.C. No. 2:15-CR-20019-JAR-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **MORITZ, EBEL**, and **O'BRIEN**, Circuit Judges.

The government has filed a motion to dismiss this appeal pursuant to an appeal waiver included in defendant-appellant Charles Haupt's plea agreement. Mr. Haupt, through counsel, "agrees that his appeal waiver is enforceable under . . . *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc)" and "does not oppose the dismissal of this appeal." Resp. to Mot. for Enforcement of Appeal Waiver at 1.

* This panel has determined that oral argument would not materially assist 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Accordingly, the appeal is dismissed.

Entered for the Court
Per Curiam