

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 20, 2018

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TONY CURTIS HOPKINS,

Defendant - Appellant.

No. 17-1392
(D.C. No. 1:17-CR-00076-PAB-1)
(D. Colo.)

ORDER AND JUDGMENT*

Before **MATHESON, McHUGH, and EID**, Circuit Judges.

Tony Hopkins was convicted of possessing contraband in prison and he was sentenced to a 30-month term of imprisonment. He entered his guilty plea pursuant to a plea agreement in which he waived his right to appeal from his sentence. The Federal Public Defender (FPD) filed a notice of appeal on his behalf. The FPD subsequently withdrew from representing Mr. Hopkins and this court appointed Zachary Ives to represent him. The government has now filed a motion to enforce the appeal waiver in the plea agreement. Mr. Hopkins has stated in his response that

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

he does not oppose the motion. Accordingly, we grant the motion to enforce and dismiss this appeal.

Entered for the Court
Per Curiam