

May 8, 2008

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

A. C. ANDERSON,

Defendant-Appellant.

No. 08-5045
(D.C. No. 4:07-CR-00023-TCK-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **LUCERO, EBEL,** and **TYMKOVICH,** Circuit Judges.

This matter is before the court on the government's motion to enforce the appellate waiver contained in defendant's plea agreement. Through counsel, defendant filed a response in which he agreed that his appeal fell within the scope of the waiver in his plea agreement, that his waiver was knowing and voluntary, and that none of the conditions that would make the waiver unenforceable existed.

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Because defendant does not contest the government's motion to enforce the plea agreement, the motion is GRANTED and the appeal is DISMISSED.

ENTERED FOR THE COURT
PER CURIAM