

UNITED STATES COURT OF APPEALS **October 19, 2010**

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff- Appellee,

v.

TAURINO CERECERES-MORALES,

Defendant- Appellant.

No. 10-3129
(D.C. No. 2:09-CR-20034-KHV-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HARTZ, GORSUCH, and HOLMES**, Circuit Judges.

Taurino Cereceres-Morales pleaded guilty to one count of possession with intent to distribute 100 kilograms or more of marijuana. The district court sentenced him to sixty months in prison, which was both the statutory mandatory minimum and the sentence the parties had agreed to in their plea agreement.

Although the parties' plea agreement contained an appeal waiver, Mr. Cereceres-Morales appealed.

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

The government has moved to enforce the agreement pursuant to *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc) (per curiam). Counsel for Mr. Cereceres-Morales filed a response, citing *Anders v. California*, 386 U.S. 738, 744 (1967), and moved to withdraw. We gave Mr. Cereceres-Morales an opportunity to file a pro se response. *See id.* He has done so, and he “waives [his] right to appeal.” Pro se Resp. at 1.

Accordingly, we DISMISS this appeal. We DENY the government’s motion to enforce as moot, and we GRANT Mr. Cereceres-Morales’s counsel’s motion to withdraw.

ENTERED FOR THE COURT
PER CURIAM