

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

July 1, 2015

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES HOWARD JENKINS, II,

Defendant - Appellant.

No. 14-7103
(D.C. No. 6:14-CR-00014-RAW-1)
(E.D. Okla.)

ORDER AND JUDGMENT*

Before **GORSUCH, McKAY**, and **BACHARACH**, Circuit Judges.

James Howard Jenkins, II pleaded guilty to a federal drug offense and expressly waived his right to appeal any sentence up to the statutory maximum. After being sentenced Mr. Jenkins promptly appealed and before us complains that the district court shouldn't have imposed a certain condition of supervised release. But the condition — which is of course part of his sentence, *see United States v. Sandoval*, 477 F.3d 1204, 1207 (10th Cir. 2007) — plainly lies within

* After examining the briefs and appellate record, 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) and 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 This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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 scope of his appellate waiver, Mr. Jenkins never claims the waiver was not knowing or voluntary, and we discern no miscarriage of justice in enforcing it. *See United States v. Hahn*, 359 F.3d 1315, 1325-27 (10th Cir. 2004) (en banc). This appeal is therefore dismissed.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge