

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

November 12, 2019

Elisabeth A. Shumaker  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIK N. DIXON, JR.,

Defendant - Appellant.

No. 19-3149  
(D.C. No. 6:17-CR-10101-EFM-1)  
(D. Kan.)

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**ORDER AND JUDGMENT\***

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Before **HOLMES**, **MATHESON**, and **PHILLIPS**, Circuit Judges.

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Erik Dixon, Jr. pleaded guilty to one count of possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). The district court sentenced him in accordance with the sentence recommended by the parties to 120 months' imprisonment. Although Mr. Dixon's plea agreement included a waiver of his right to appeal, he filed this appeal. The government has moved to enforce the appeal waiver under *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc) (per curiam). Through his counsel, Mr. Dixon concedes that the appeal waiver is enforceable under the standards set forth in *Hahn*. Based on

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

this concession and our independent review of the record, we grant the government's motion and dismiss the appeal.

Entered for the Court  
Per Curiam