

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**October 19, 2023**

**FOR THE TENTH CIRCUIT**

**Christopher M. Wolpert**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN KYLE MORRIS,

Defendant - Appellant.

No. 23-3148  
(D.C. No. 5:21-CR-40095-TC-1)  
(D. Kan.)

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**ORDER AND JUDGMENT\***

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Before **MATHESON, EBEL,** and **MORITZ,** Circuit Judges.

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Shawn Kyle Morris pleaded guilty to possession of a firearm by a prohibited person, and the district court sentenced him to serve 25 months in prison. He filed this appeal despite the appeal waiver in his plea agreement. The government now moves to enforce the appeal waiver. *See United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc). In response, Mr. Morris concedes that, on the present record, he cannot overcome the government’s motion.

Based on Mr. Morris’s concession and our independent review of the record, we grant the government’s motion to enforce the appeal waiver and dismiss this

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

appeal. This dismissal is “without prejudice to Mr. Morris’s reserved 28 U.S.C. § 2255 rights.” Resp. at 1.

Entered for the Court  
Per Curiam