

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

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**September 16, 2025**

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAUL LOPEZ,

Defendant - Appellant.

No. 25-2054  
(D.C. No. 1:23-CR-00270-WJ-1)  
(D. N.M.)

**ORDER AND JUDGMENT\***

Before **EID**, **ROSSMAN**, and **FEDERICO**, Circuit Judges.

Raul Lopez pleaded guilty to an information charging him with possession with intent to distribute 40 grams and more of a mixture and substance containing a detectible amount of fentanyl. The district court sentenced Lopez to 360 months in prison. He filed a notice of appeal.

Lopez's plea agreement contains an appeal waiver, which the government moves to enforce under *United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc). In determining whether to enforce an appeal waiver under *Hahn*, we consider: "(1) whether the disputed appeal falls within the scope of the waiver of

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

appellate rights; (2) whether the defendant knowingly and voluntarily waived his appellate rights; and (3) whether enforcing the waiver would result in a miscarriage of justice.” *Id.* at 1325.

The government argues that all the *Hahn* conditions are established here: Lopez’s appeal is within the scope of the waiver, his waiver was knowing and voluntary, and enforcing the waiver would not result in a miscarriage of justice. Lopez responds through counsel that he “does not dispute the government’s application of *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004), to the facts of this case.” Resp. at 1. We therefore grant the motion and dismiss this appeal.

Entered for the Court

Per Curiam