

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 15, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOEL RODRIGUEZ,

Defendant - Appellant.

No. 26-3150
(D.C. No. 2:23-CR-20048-HLT-17)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HARTZ**, **MORITZ**, and **ROSSMAN**, Circuit Judges.

Joel Rodriguez pleaded guilty to possessing methamphetamine with the intent to distribute it. He appeals even though his plea agreement included an appeal waiver. The government moves to enforce the waiver.

We will enforce an appeal waiver if (1) the appeal falls within the waiver's scope, (2) the defendant knowingly and voluntarily waived the right to appeal, and (3) enforcing the waiver will not result in a miscarriage of justice. *See United States v. Hahn*, 359 F.3d 1315, 1325 (10th Cir. 2004).

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Mr. Rodriguez does not dispute that the waiver covers this appeal or that it was knowing and voluntary. And so we need not address those issues. *See United States v. Porter*, 405 F.3d 1136, 1143 (10th Cir. 2005).

Mr. Rodriguez seeks to avoid the waiver because, in his view, enforcing it would result in a miscarriage of justice. The miscarriage of justice, he tells us, stems from the district court’s erroneous finding that he possessed pure methamphetamine rather than a methamphetamine mixture. This finding, he concludes, yielded an inflated guidelines range and ultimately an overly long sentence.

This argument cannot overcome the appeal waiver. We may set aside a waiver to avoid a miscarriage of justice “only if the sentence is marred by the kind of egregious error that would bring the judicial system into disrepute. The error must be obvious—not one a judge could reasonably make. And it must be of the type that would undermine public confidence in the judiciary.” *Hunter v. United States*, 608 U.S. 713, 727 (2026). Mr. Rodriguez alleges an error falling well short of this “high bar.” *Id.* He alleges only a “standard-fare” sentencing error. *Id.*

* * *

We grant the government’s motion to enforce Mr. Rodriguez’s appeal waiver. We dismiss this appeal.

Entered for the Court

Per Curiam