

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 2, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ELDER DOBLADO-GARCIA,

Defendant - Appellant.

No. 26-4081
(D.C. No. 2:24-CR-00266-TS-1)
(D. Utah)

ORDER AND JUDGMENT*

Before **PHILLIPS**, **MORITZ**, and **EID**, Circuit Judges.

Pursuant to a plea agreement, Elder Doblado-Garcia pleaded guilty to possession of fentanyl with intent to distribute. He was sentenced to 100 months in prison. He then filed this appeal. His plea agreement contains an appeal waiver that the government now moves to enforce. *See United States v. Hahn*, 359 F.3d 1315, 1328 (10th Cir. 2004) (en banc) (per curiam).

In evaluating such a motion, we consider: “(1) whether the disputed appeal falls within the scope of the waiver of appellate rights; (2) whether the defendant knowingly

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

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

Mr. Doblado-Garcia, through counsel, has filed a response to the government’s motion conceding that this appeal is within the scope of the waiver, that he knowingly and voluntarily waived his rights, and that enforcement of the waiver would not result in a miscarriage of justice. Based on the parties’ positions, we grant the government’s motion to enforce the appeal waiver and dismiss the appeal.

Entered for the Court

Per Curiam