

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

April 18, 2007

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MIKE ROBERT SALINAS,

Defendant-Appellant.

No. 07-6002
(D.C. No. CR-06-181-1-C)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **KELLY, HARTZ, and GORSUCH**, Circuit Judges.

Defendant Mike Robert Salinas pled guilty to possession with intent to distribute marijuana. Pursuant to the plea agreement, he waived his right to appeal his conviction or his sentence, provided his sentence was within or below the advisory guideline range, as determined by the sentencing court. Defendant's sentence was within the advisory guideline range. Nevertheless, proceeding pro se, defendant filed a notice of appeal.

* This panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

The government filed a motion to enforce the plea agreement pursuant to *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc) (per curiam). Defendant's trial counsel moved to withdraw and we granted that motion and appointed new counsel, Ms. Hartfield. Ms. Hartfield responded to the government's motion to enforce by stating that she had thoroughly reviewed the record and conferred with defendant and had concluded that there is no non-frivolous argument that defendant may raise on appeal. Ms. Hartfield further stated that defendant concedes that the government's motion to enforce is meritorious and that he does not contest the motion.

Accordingly, we GRANT the motion and DISMISS the appeal. The mandate shall issue forthwith.

ENTERED FOR THE COURT
PER CURIAM