

APPENDIX

United States Court of Appeals For the First Circuit
No. 16-2414

UNITED STATES, Appellee, v. HAYNES
TIMBERLAND, INC., Defendant, Appellant.

Before
Torruella, Thompson, and Kayatta, Circuit Judges.

JUDGMENT

Entered: April 17, 2018

After carefully considering the filings, we grant the government's motion for summary disposition and dismiss the appeal. The appellant waived the issue of the enforceability of the appellate waiver by failing to develop relevant argument in its opening brief. See United States v. Torres-Estrada, 817 F.3d 376, 378 (1st Cir. 2016); United States v. Arroyo-Blas, 783 F.3d 361, 367 (1st Cir. 2015). Moreover, even if we were to consider them, Appellant's arguments in its opposition to the government's motion for summary disposition are undeveloped and untenable. The risk of unforeseen error is a normal consequence of an appellate waiver. See United States v. Blick, 408 F.3d 162, 170 (4th Cir. 2005); *see also* United States v. Sahlin, 399 F.3d 27, 31 (1st Cir. 2005). Appellant
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established no basis to avoid the waiver. *See United States v. Donath*, 616 F.3d 80, 84 (1st Cir. 2010).

Dismissed. *See* Loc. R. 27.0(c).

By the Court:

/s/ Margaret Carter, Clerk

cc:

Renee M. Bunker

Frank Todd Lowell

Joel B. Casey

Donald E. Clark

Thomas Marjerison

United States Court of Appeals For the First Circuit
No. 16-2414

UNITED STATES, Appellee, v. HAYNES
TIMBERLAND, INC., Defendant, Appellant.

Before
Howard, Chief Judge
Torruella, Lynch, Thompson,
Kayatta and Barron, Circuit Judges.

ORDER OF THE COURT

Entered: May 16, 2018

The petition for rehearing having been denied by the panel of judges who decided the case and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:
/s/ Margaret Carter, Clerk

cc:

Renee M. Bunker
Frank Todd Lowell
Joel B. Casey
Donald E. Clark
Thomas Marjerison
Dana Lynne Goldblatt