

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 26 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
GREGORY FRANK SPEROW,
Defendant-Appellant.

No. 17-30006

D.C. No. 1:06-cr-00126-BLW
District of Idaho,
Boise

ORDER

Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges.

Appellee's motion to dismiss this appeal in light of the valid appeal waiver (Docket Entry No. 19) is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011) (an appeal waiver is enforceable if its language encompasses the right to appeal on the grounds raised and the waiver is knowingly and voluntarily made). Contrary to Sperow's contention, the record reflects that neither the parties nor the district court modified the plea agreement to exclude the Santa Rosa Creek Road property from forfeiture.

Sperow's motions for judicial notice and to strike the government's motion to dismiss are denied.

DISMISSED.

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GREGORY FRANK SPEROW,

ORDER

Defendant-Appellant.

Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges.

We are in receipt of Sperow's pro se petition for panel rehearing and rehearing en banc (Docket Entry No. 31), as amended by the "Notice of Errata" (Docket Entry No. 32). We treat the petition as a motion for panel reconsideration and motion for reconsideration en banc. So treated, the motion for panel reconsideration is denied and the motion for reconsideration en banc is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

No further filings will be entertained in this closed case.

**Additional material
from this filing is
available in the
Clerk's Office.**