

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 20 2018

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CESAR ARCE-HERNANDEZ, a.k.a. Cesar
Hernandez,

Defendant-Appellant.

Nos. 18-10024
18-10025

D.C. Nos. 2:17-cr-00999-GMS
2:16-cr-00061-GMS

District of Arizona,
Phoenix

ORDER

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Appellee's motion to dismiss these consolidated appeals in light of the valid appeal waiver (Docket Entry No. 21) is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011) (knowing and voluntary appeal waiver whose language encompasses the right to appeal on the grounds raised is enforceable); *see also Tollett v. Henderson*, 411 U.S. 258, 267 (1973) (upon plea of guilty, the defendant "may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea").

DISMISSED.