

APPENDIX

App. 1

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
No. 19-10097

UNITED STATES OF AMERICA,
Respondent-Appellee,
v.
JAN ROUVEN FUECHTENER,
Petitioner-Appellee.

Appeal from the United States District Court
for the District of Nevada

Signed March 9, 2020

ORDER:

Before: SILVERMAN, CHRISTEN, and
BADE, Circuit Judges.

Appellee's motion to dismiss this appeal in light of the valid appeal waiver (Docket Entry No. 16) 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). Contrary to appellant's argument, his claim that the district court erred by denying his motion to withdraw his guilty plea is covered by the waiver. See *United States v.*

App. 2

Rahman, 642 F.3d 1257, 1259 (9th Cir. 2011) (waiver of right to appeal any aspect of defendant's conviction covers appeal of denial of motion to withdraw guilty plea). Moreover, the record does not support appellant's claim that the government breached the plea agreement. To the extent appellant claims that his plea was not knowing and voluntary because he received ineffective assistance of counsel, he may bring that claim in a 28 U.S.C. § 2255 motion, as his plea agreement expressly contemplates. *See Rahman*, 642 F.3d at 1259-60. DISMISSED.

App. 3

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FOR THE NINTH CIRCUIT
No. 19-10097

UNITED STATES OF AMERICA,
Respondent-Appellee,
v.
JAN ROUVEN FUECHTENER,
Petitioner-Appellee.

Appeal from the United States District Court
for the District of Nevada

Signed May 15, 2020

Before: SILVERMAN, CHRISTEN, and BADE, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 22) is denied. See 9th Cir. R. 27-10.