

No. \_\_\_\_\_

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In The  
**Supreme Court of the United States**

**MARCUS DWAYNE PEMBERTON,**  
*Petitioner,*

**v.**

**UNITED STATES OF AMERICA,**  
*Respondent.*

ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**APPENDIX TO  
PETITION FOR WRIT OF CERTIORARI**

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**TABLE OF CONTENTS**  
**Appendix**

**Page:**

Order

U.S. Court of Appeals for the Fourth Circuit  
entered April 18, 2022 .....Appendix A

Judgment

U.S. Court of Appeals for the Fourth Circuit  
entered April 18, 2022 .....Appendix B

FILED: April 18, 2022

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-4482**  
**(1:20-cr-00376-CCE-1)**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARCUS DWAYNE PEMBERTON,

Defendant - Appellant.

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O R D E R

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Marcus Dwayne Pemberton seeks to appeal his 69-month sentence imposed following his guilty plea to possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). The Government has moved to dismiss the appeal as barred by Pemberton's waiver of the right to appeal included in the plea agreement. Upon review of the record, we conclude that Pemberton knowingly and voluntarily waived his right to appeal and that the issue Pemberton seeks to raise on appeal falls squarely within the scope of his waiver of appellate rights. Accordingly, we grant the Government's motion to dismiss.

**APPENDIX A**

Entered at the direction of the panel: Judge King, Judge Wynn, and Judge Richardson.

For the Court

/s/ Patricia S. Connor, Clerk

FILED: April 18, 2022

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 21-4482  
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UNITED STATES OF AMERICA

Plaintiff - Appellee

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Defendant - Appellant

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J U D G M E N T

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In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in  
accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

**APPENDIX B**