

APPENDIX

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1. United States v. Jonathan Garduno, No: 24-10891
(11th Circuit, August 27, 2024) (unpublished)
2. Order Denying Petition for Rehearing and Petition for Rehearing En Banc
(October 15, 2024)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 6th day of January 2025, to the Supreme Court of the United States 1 First Street, NE, Washington, DC 20543, and to the Solicitor General of The United States, Room 5614, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

By David J. Joffe
DAVID J. JOFFE, ESQUIRE

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10891

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JONATHAN GARDUNO,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

D.C. Docket No. 2:22-cr-00086-SPC-NPM-1

Before ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges.

PER CURIAM:

The Government’s motion to dismiss this appeal pursuant to the appeal waiver in Appellant’s plea agreement is GRANTED. See *United States v. Bushert*, 997 F.2d 1343, 1351 (11th Cir. 1993) (sentence appeal waiver will be enforced if it was made knowingly and voluntarily); *United States v. Boyd*, 975 F.3d 1185, 1191–92 (11th Cir. 2020) (enforcing sentence appeal waiver where district court informed defendant at change-of-plea hearing that he was giving up his right to appeal under most circumstances); *United States v. Weaver*, 275 F.3d 1320, 1333 (11th Cir. 2001) (holding appeal waiver was enforceable when the waiver was referenced during the plea colloquy and the defendant confirmed that she understood the provision and had entered into it freely and voluntarily); *United States v. Gonzalez-Mercado*, 808 F.2d 796, 800 n.8 (11th Cir. 1987) (recognizing the “strong presumption” that “statements made during the [change-of-plea] colloquy are true”).

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UNITED STATES OF AMERICA,

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D.C. Docket No. 2:22-cr-00086-SPC-NPM-1

ON PETITION(S) FOR REHEARING AND PETITION(S) FOR
REHEARING EN BANC

2

Order of the Court

24-10891

Before ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 35. The Petition for Panel Rehearing also is DENIED. FRAP 40.