

# APPENDIX A

**FILED**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SEP 17 2024

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK JONES,

Defendant - Appellant.

No. 23-3503

D.C. No.  
2:22-cr-01228-DMF-1  
District of Arizona,  
Phoenix

ORDER

Before: WARDLAW, BADE, and H.A. THOMAS, Circuit Judges.

The motion (Docket Entry No. 27) to dismiss this appeal in light of the valid appeal waiver 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 contention, the record shows that appellant knowingly and voluntarily pled guilty. *See United States v. Peterson*, 995 F.3d 1061, 1065-67 (9th Cir. 2021). Moreover, the record belies appellant's claim that he successfully withdrew his guilty plea. *See Fed. R. Crim. P. 11(d)(2)(B)*. Finally, appellant's assertion that he withdrew from the plea agreement itself is unavailing. *See Fed. R. Crim. P. 11(c)*.

**DISMISSED.**

# APPENDIX B

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ORDER

Before: WARDLAW, BADE, and H.A. THOMAS, Circuit Judges.

The motion (Docket Entry No. 32) for reconsideration en banc is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.