

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 19 2025

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAQWON DAVONTE LUPE, AKA
Jaqwon Lupe,

Defendant - Appellant.

No. 25-2461

D.C. No.

3:24-cr-08114-DJH-1

District of Arizona,

Prescott

ORDER

Before: SILVERMAN, TALLMAN, and BUMATAY, Circuit Judges.

The motion (Docket Entry No. 20) 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’s guilty plea was knowing and voluntary. *See United States v. Portillo-Cano*, 192 F.3d 1246, 1250 (9th Cir. 1999) (“[C]ompliance with Rule 11 is the means by which the court is assured that the defendant’s guilty plea is voluntarily and knowingly made.”). Moreover, appellant’s alleged innocence of the offense does not render the waiver unenforceable. *See United States v. Goodall*, 21 F.4th 555, 562-63 (9th Cir. 2021).

DISMISSED.

APPENDIX B

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District of Arizona,

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ORDER

Before: SILVERMAN, TALLMAN, and BUMATAY, Circuit Judges.

The motion (Docket Entry No. 25) for reconsideration en banc is denied. *See*
9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.